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PAPERS

RELATING TO

EAST INDIA AFFAIRS.

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REGULATIONS

Passed by the Governments of Bengal, Fort St. George, and Bombay;

1813.

Ordered, by The House of Commons, *to be Printed,*
9 *February* 1815.

List of REGULATIONS passed by the Governments of *India*:——
Presented to the Honourable House of Commons, in pursuance of an Act of Parliament, of the 53d GEO. III, cap. 155, section 66.

(1.)—By the Government of BENGAL; - - - Nos 1 to 17, of the Year 1813 - - - - - - - - - p. 3 to 32

(2.)—By the Government of FORT ST. GEORGE; - - - Nos 1 and 2, of the Year 1813 - - - - - - - - p. 33 to 38

(3.)—By the Government of BOMBAY; - - - Rules, Ordinances, and Regulations, Nos 1 and 2, of the Year 1813; and Regulations Nos 1 to 11, of 1813 - - - - - - p. 39, &c.

East India House,
1 December 1814.

BENGAL.

TITLES of the REGULATIONS passed in the Year 1813.

Regulation I.—A REGULATION for modifying the Rules established, respecting the Settlement of *Cuttack*, the Pergunnah of *Puttaspore*, and its Dependencies:—Passed on the 27th of February 1813.

Regulation II.—A REGULATION for preventing Native Officers from making use of Public Money entrusted to their care:—Passed on the 6th of March 1813.

Regulation III.—A REGULATION for authorizing a Review in Civil Cases appealable: —Passed on the 3d of April 1813.

Regulation IV.—A REGULATION for establishing a Toll on Boats passing through the Issamutty, Matabangah and Choornee Rivers:—Passed on the 3d of April 1813.

Regulation V.—A REGULATION for modifying certain parts of Regulations XIX and XXXVII, 1793, extended to *Cuttack* by Section XXXVI, Regulation XII, 1805: —Passed on the 1st of June 1813.

Regulation VI.—A REGULATION for referring to Arbitration Suits and Contests respecting Land; and for amending the Rules before established, regarding forcible dispossession of Land:—Passed on the 10th of July 1813.

Regulation VII.—A REGULATION for extending to the Ceded and Conquered Provinces the provisions contained in Regulation III, 1801, and in Section XIII, Regulation VIII, 1794; and for rescinding parts of Sections XI and XV, Regulation I, 1803:—Passed on the 17th of July 1813.

Regulation VIII.—A REGULATION for defining more particularly the different classes of People who shall be liable to be tried by the Courts of Criminal Judicature established in the British Possessions, for offences committed in foreign territories:— Passed on the 24th of July 1813.

Regulation IX.—A REGULATION for restoring the punishment of Transportation:— Passed on the 24th of July 1813.

Regulation X.—A REGULATION for reducing to one Regulation, with alterations and amendments, the Regulations at present in force, respecting the manufacture and sale of Spirituous Liquors, intoxicating Drugs, Taury and Putchwye:—Passed on the 21st of August 1813.

Regulation XI.—A REGULATION for modifying some of the Rules before established, respecting the payment of Pensions; and for preventing the abuses committed in the receipt of Pensions:—Passed on the 28th of August 1813.

Regulation XII.—A REGULATION for modifying some of the provisions in the Regulations before enacted for the collection of the Government Customs and Town Duties:—Passed on the 30th of September 1813.

Regulation XIII.—A REGULATION to provide for the Appointment and Maintenance of Police Chokeydars in the cities of *Dacca*, *Patna*, and *Moorshedabad*:—Passed on the 2d of October 1813.

Regulation XIV.—A REGULATION for abolishing the Duties before established, on the importation of Horses by Sea, or through the District of *Cuttack*:—Passed on the 6th of November 1813.

Regulation XV.—A REGULATION for the general abolition of the office of Dewaun to the Collectors of the Land Revenue, in the Provinces immediately dependent on the Presidency of *Fort William*:—Passed on the 13th of November 1813.

Regulation XVI.—A REGULATION for rescinding Section X, Regulation XIII, 1806:—Passed on the 13th of November 1813.

Regulation XVII.—A REGULATION for amending the Rules before enacted, for the conduct of Inquiries into Charges and Complaints preferred against European public Officers:—Passed on the 24th December 1813.

—(1.)—

REGULATIONS passed by the Government of *Bengal*; in the Year 1813.

A.D. 1813. REGULATION I.

A REGULATION for modifying the Rules established respecting the Settlement of *Cuttack*, the Pergunnah of *Puttaspore*, and its Dependencies:—Passed by the Governor General in Council, on the 27th February 1813; corresponding with the 17th Phaugoon 1219 Bengal era; the 12th Phaugoon 1220 *Fussily*; the 18th Phaugoon 1220 Willaity; the 12th Phaugoon 1869 *Sumbut*; and the 25th Suffer 1228 Higeree.

Preamble.

WHEREAS it is enacted by Clause Fifth, Section IV, Regulation XII, 1805, revived and enforced by Regulation X, 1812, in regard to the settlement of Cuttack, "that at the end of the lease for four years (which will be in "the Umlee year 1219) a further settlement for the period of three years will be "concluded with the persons in possession (if willing to engage, and they shall have "conducted themselves to the satisfaction of Government,)" &c. And whereas the unavoidable delays which have occurred in carrying that provision into effect, render it inconvenient and inexpedient that a settlement should in the present instance be formed for so long a period as three years; The following Rules have been enacted; to be immediately in force in the district of Cuttack, including the purgunnah of Puttaspore, and its dependencies, at present included in the district of Midnapore.

A Settlement for one year, to be made in Cuttack, and in the Pergunnah of Puttaspore, and its dependencies, viz. for 1220 Umlee.

II. *First.* A Settlement shall be made in the zillah of Cuttack, and in the pergunnah of Puttaspore, and its dependencies, for the period of one year, viz. the year 1220 Umlee.

On the expiration of which, a Settlement for two years to be made in the said Zillah and Places, viz. for 1221 and 1222.

Second. On the expiration of the Umlee year 1220, a Settlement shall be made in the said zillah and places for the period of two years, viz. 1221 and 1222.

And on the expiration of the year 1222, the Board of Revenue to conform to the provision contained in Section V, Regulation X, 1812, for the future Settlement.

Third. On the expiration of the year 1222, the Board of Revenue will of course conform to the provision contained in Section V, Regulation X, 1812, respecting the future settlement of the said district and places.

A.D. 1813. REGULATION II.

A REGULATION for preventing Native Officers from making use of Public Money entrusted to their care:—Passed by the Governor General in Council, on the 6th of March 1813; corresponding with the 24th Phaugoon 1219 Bengal era; the 19th Phaugoon 1220 Fussily; the 25th Phaugoon 1220 Willaity; the 4th Phaugoon 1869 Sumbut; and the 2d Rubbi-ul-Awul 1228 Higeree.

Preamble.

WHEREAS the interests of Government require that kazanchies, tehsildars, and other native officers, should be restrained from making use of the Public Money entrusted to their care; The following Rules have been enacted; to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Kazanchies, Tehsildars, and other native Officers entrusted with the charge of Public Money, prohibited from making use of such Money for their own advantage, or that of any other individual.

II. Kazanchies, tehsildars, and other native officers entrusted with the charge of Public Money, are hereby strictly prohibited from making use of such money for their own advantage, or that of any other individual.

Persons infringing the Rule contained in Section II. of the present Regulation, to be deemed guilty of a misdemeanor, and to be punished on conviction accordingly. But shall not be sentenced

III. Any person infringing the Rule contained in the foregoing section, shall be deemed to have been guilty of a misdemeanor, and shall be punished on conviction thereof, before a court of circuit, at the discretion of the said court, under the authority vested in the courts of circuit, by Clause Seventh, Section II, Regulation LIII, 1803, in cases liable to discretionary punishment; provided, nevertheless, that no person convicted of the offence specified in the preceding section of this Regulation shall be sentenced

sentenced by a judge of circuit, to the punishment of stripes, or to hard labour. If in any instance imprisonment for the term of seven years shall appear to the judge of circuit to be an inadequate punishment for the offence, he shall transmit the trial, with his sentiments thereupon, to the court of Nizamut Adawlut, for the final sentence of that court.

tenced by a Judge of Circuit to the punishment of stripes or hard labour.

Trial to be submitted for the final sentence of the Nizamut Adawlut in certain cases.

IV. It shall be the duty of the Board of Revenue, the Board of Commissioners, and the Board of Trade, to submit to Government a special report respecting all convictions and sentences which may take place under the provisions of the present Regulation, in order that the Governor General in Council may have an opportunity of considering whether the guilty persons should not also be declared incapable of again serving Government in any public capacity.

The Board of Revenue, the Board of Commissioners, and the Board of Trade, to submit Special Reports of all Convictions and Sentences under the present Regulation, to Government, who will determine whether the guilty persons should be declared incapable of again serving Government.

A.D. 1813. REGULATION III.

A REGULATION for authorizing a Review in Civil Cases appealable:—Passed by the Governor-General in Council, on the 3d April 1813; corresponding with the 22d Chyte 1219 Bengal era; the 18th Chyte 1220 Fussily; the 23d Chyte 1220 Willaity; the 2d Chyte 1870 Sumbut; and the 1st Rubbi-us-Sanee 1228 Higeree.

WHEREAS the power of granting a Review in civil causes, vested in the Sudder Dewanny Adawlut by Section III, Regulation II, 1798, and Section XXXVII, Regulation V, 1803, is confined to cases, in which no appeal is allowed; and the ends of justice have been found to require, that the power aforesaid shall be extended to cases appealable; The following Rules have been enacted; to be in force from the date of the promulgation of this Regulation, throughout the whole of the Provinces subject to the immediate government of the Presidency of Fort William.

Preamble.

II. *First.* Sections II and III, of Regulation II, 1798; Section XXII, Regulation II, 1803; and Section XXX, Regulation IV, 1803; and Section XXXVII, Regulation V, 1803, are declared subject to the following modification:

Modification of Sections II and III, of Regulation II, 1798; Section XXII, Regulation II, 1803; Section XXX, Regulation IV, 1803; and Section XXXVII, Regulation V, 1803.

Second. The provisions contained in the said sections, empowering the zillah, city, and provincial courts, to make application to the Sudder Dewanny Adawlut, for authority to review their judgments, and enabling the Sudder Dewanny Adawlut to grant the same, and further to review their own judgments, are hereby extended to cases, in which an appeal is allowed by the Regulations of Government, and by the 21st section of the Statute 21st George III, cap. LXX.

The provision contained in the Sections above quoted, extended to cases in which an Appeal is allowed by the Regulation in force, and by 21st Section of the Statute 21st George III. cap. LXX.

III. *First.* After the promulgation of this Regulation, all applications for review of judgment, shall be preferred within three calendar months, reckoning from the day on which the decree shall be delivered or tendered to the party praying the review, or his constituted pleader; or, in cases wherein the courts are not enjoined by the Regulations to deliver or tender copies of their orders, within three calendar months from the period when the order, against which the review shall be prayed, shall have been duly notified to such party praying the review. The courts are nevertheless authorized to admit applications for review after the elapse of the three months, provided the parties preferring the same shall be able to shew just and reasonable cause to the satisfaction of the courts for not having preferred such application within the limited period. But the courts are hereby enjoined to proceed with caution in admitting applications after the limited period, and shall in all such cases state at large upon their proceedings the reasons for the admission.

Applications for review of judgment to be preferred within Three Months.

In what cases applications for review may be admitted after the limited period of Three Months.

Second. The Regulations cited in the preceding section containing no limitation of time for preferring applications to review, the courts, provided the stated grounds for review shall appear adequate, will admit such applications in cases decided before the promulgation of this Regulation, whenever they may be satisfied, under all the circumstances, that no undue delay has occurred.

The Courts how to admit the applications for review in cases decided before the promulgation of the present Regulation.

A. D. 1813. REGULATION IV.

A REGULATION for establishing a Toll on Boats passing through the Issamutty, Matabangah, and Choornee rivers:—Passed by the Governor General in Council, on the 3d April 1813; corresponding with the 22d Chyte 1219 Bengal era; the 18th Chyte 1220 Fussily; the 23d Chyte 1220 Willaity; the 2d Chyte 1870 Sumbut; and the 1st Rubbi-us-Sanee 1228 Higeree.

Preamble.

WHEREAS the Governor General in Council, with the view of affording facilities to the internal commerce of the country, has adopted measures for the improvement of the navigation of the Issamutty, Matabangah and Choornee rivers: And whereas it has been deemed just and proper, that moderate Tolls should be established on boats passing through those rivers, to defray the expense incurred in facilitating and improving the navigation of them; The following Rules have been established; to be in force from and after the 1st May 1813, corresponding with the 20th Bysaak 1220 Bengal era; the 19th Bysaak 1220 Fussily; the 21st Bysaak 1220 Willaity; the 1st Bysaak 1870 Sumbut; and the 29th Rubbi-us-Sanee 1228 Higeree.

Collector of Nuddea entrusted with the Collection of the Tolls on Boats entering the Canal.

II. The collector of Nuddea, assisted by native officers to be appointed by him, shall be entrusted with the collection of the tolls which are to be levied from all boats entering the canal, agreeably to the following rates:—

Rates of Tolls.

Budgerows, Pinnaces, Baulcahs, Paunsways,	two annas per oar.
Boats laden with bricks, earthen ware, sand, earth, or soorkey,	two annas per 100 maunds.
Baggage boats, and boats laden with straw, firewood, or gram-sticks - - - -	eight annas per 100 maunds.
Boats laden with grain or vegetables of any kind,	twelve annas per 100 maunds.

Boats laden with articles not specified in the List contained in the preceding Section, to be subject to a Toll of one Rupee per 100 maunds burthen.

III. All boats laden with any article not specified in the above list, shall be subject to a toll of one rupee per 100 maunds burthen, whether the articles laden on them be imported or be exported, on returning boats, or on boats entering the canal for the purpose.

Board of Revenue invested with a general control over the Collector of Nuddea, in the discharge of duties entrusted to him by this Regulation.

IV. The Board of Revenue are hereby invested with a general control over the collector of Nuddea, in the discharge of the duties entrusted to him by this Regulation.

The Collector of Nuddea entitled to a commission.

V. The collector of Nuddea shall be entitled to a commission on the revenue derived from the tolls above established, at such rate as the Governor General in Council may direct.

A. D. 1813. REGULATION V.

A REGULATION for modifying certain parts of Regulations XIX and XXXVII, 1793, extended to *Cuttack* by Section XXXVI, Regulation XII, 1805:—Passed by the Governor General in Council, on the 1st June 1813; corresponding with the 20th Jeyte 1220 Bengal era; the 17th Jeyte 1220 Fussily; the 21st Jeyte 1220 Willaity; the 3d Jeyte 1870 Sumbut, and the 1st Jemadi-us-Sani 1228 Higeree.

Preamble.

WHEREAS under the rules contained in Regulations XIX and XXXVII, 1793, extended with modifications to Cuttack by Regulation XII, 1805, the claims of Government to resume the revenue of lands held free of assessment under illegal or invalid tenures, are only cognizable in the courts of judicature: And whereas there is reason to believe that individuals, availing themselves of the difficulties experienced by the public officers, in the establishment of such claims under the existing rules, have in many cases appropriated to themselves the revenue of lands

lands properly appertaining to the State, by which considerable loss has been sustained in the public resources; The following Rules have been enacted; to be immediately in force in the district of Cuttack, and in the pergunnah of Puttaspore and its dependencies.

II. Sections XII, XIII, XIV, and XVI, Regulation XIX; and Sections VII, VIII, IX, and XI, Regulation XXXVII, 1793, respecting lands held exempt from the payment of revenue to Government, so far as respects the district of Cuttack and the pergunnah of Puttaspore and its dependencies, are hereby rescinded.

Certain parts of Regulations XIX and XXXVII, 1793, rescinded.

III. Whenever a collector of revenue shall have reason to believe that any land is held exempt from the public assessment on an invalid or illegal tenure, he shall report the circumstance to the Board of Revenue, or to the Member of that Board on deputation in Cuttack, who, should they or he be of opinion that proper grounds exist for an inquiry, shall direct the collector to call upon the holder of the lands to adduce, within one month from the receipt of the notice, any documentary or other evidence tending to establish his right thereto; at the same time apprizing him, that in default of producing such proof, the revenue of the land will be resumed, and assessed in the mode prescribed by the Regulations.

Rules of proceeding in cases of Lands believed to be held exempt from assessment on invalid or illegal tenure.

IV. If it shall appear to the collector, on due consideration of the documents and other evidence which may be adduced, that the revenue of the land is resumable on the principle of the rules contained in Regulations XIX and XXXVII, 1793; or if the holder of the said lands shall omit to produce any documentary or other evidence within the time prescribed, or shall fail to shew good and sufficient cause for such omission; it shall be in either case the duty of the collector to forward the whole of his proceedings on the subject, with his opinion thereon, to the Board of Revenue, or Member on deputation, who will decide whether the land shall be deemed liable to the public assessment, or otherwise.

In such cases as the Collector may, after due consideration, deem the land resumable, or the holder may omit to produce the necessary documents, the proceedings held shall be submitted for the decision of the Board of Revenue or Member on deputation.

V. If the collector, after receiving the documents or evidence adduced, shall be of opinion that the land is not liable to the public assessment, he shall nevertheless transmit the whole of his proceedings in the case, with his opinion thereon, to the Board of Revenue, or Member on deputation, who will decide the question, and issue the proper orders for admitting or disallowing the claim to hold the lands free of assessment. It shall not however be competent to Government, or its revenue officers, after the question shall have been so decided, to revive the question or disturb the title of the occupant, except on proof in a court of judicature, of fraud or collusion in the previous inquiry; or except in the event of a transfer of the property, or change of proprietor, when a question may in consequence arise as to the hereditary or transferrable nature of the tenure.

And also in cases in which the Collector shall be of opinion that the Land is not liable to assessment, but after the decision of the Board of Revenue or Member on deputation, the question shall not be again revived unless in certain cases.

VI. Any person who may consider himself aggrieved by the decision which may be passed by the Board of Revenue, or Member on deputation, under the Rules contained in Sections IV and V, of this Regulation, shall be at liberty to institute a suit in the courts of judicature against Government, to try the merits of the said decision; provided that such suit be instituted within the period of six months from the date on which it may be passed.

Persons considering themselves aggrieved by the decision passed by the Board of Revenue or Member on deputation, may institute a suit against Government within Six Months.

VII. Such suits may be instituted without previous reference to the Governor General in Council against Government, and shall be defended by the collectors, under the instructions of the Board of Revenue or Member on deputation. The courts of judicature, in cases in which they may be of opinion that the decision of the revenue authorities has been passed on erroneous grounds, will of course adjudge the plaintiff to be reinstated in possession of the lands in question, free of assessment; at the same time awarding to him such costs as may be sufficient to reimburse him for the expense to which he may have been subject, and giving proper directions for the adjustment of the accounts of the collections made from the lands during the time that they may have been in the charge of the officers of Government.

Such suits may be instituted without previous reference to Government, and shall be defended by the Collectors under the instructions of the Board of Revenue or Member on deputation.

VIII. But no court of justice shall issue any prohibition or injunction to stay process previously to the formal decision of the case by the revenue officers, nor any precept or other order to prevent an enactment consequent to such decision, until a full and complete trial shall have been had of the merits of that decision by a regular suit instituted under this section.

Courts not to interfere in the proceedings of the Collectors, until a regular trial shall have taken place of the merits of the case.

IX. Persons succeeding to the possession of a lakheraje tenure on the decease of a former occupant, or by gift purchase or other transfer of proprietary right, are hereby

Persons succeeding to lakheraje tenure, by death or other transfer

of the proprietary right, shall notify the same to the Collector within Six Months, under pain of fine to a certain extent.

hereby required immediately to notify the same to the collector of the land revenue of the district in which the property may be situated, in order that the succession or transfer may be duly registered in his office; and any omission to notify such succession or transfer, for the period of six months after it has occurred, shall subject the offender to such fine as the Board of Revenue, or Member on deputation, may judge proper to order to be imposed upon him, not exceeding however the tenth part of the computed annual produce of the lands.

A.D. 1813. REGULATION VI.

A REGULATION for referring to Arbitration, Suits and Contests respecting Land, and for amending the Rules before established regarding forcible dispossession of Land:—Passed by the Governor General in Council, on the 10th July 1813; corresponding with the 28th Assar 1220 Bengal era; the 26th Assar 1220 Fussily; the 29th Assar 1220 Willaity; the 12th Assar 1870 Sumbut; and the 11th Rujeeb 1828 Higeree.

Preamble.

WHEREAS no provision has been made by the existing Regulations for referring to Arbitration, Suits and Contests respecting Land, and it is expedient to provide for the same: And whereas the existing Regulations respecting forcible dispossession from land have been found to require amendment; The following Rules have been enacted; to be in force from their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Parties in Suits respecting Land, are at liberty to refer their Suits to Arbitration.

II. *First.* Parties in suits depending in the civil courts of judicature respecting the property in land, or limited tenures therein, or rights dependent thereon, shall be at liberty to refer their suits to arbitration, and shall by all due means be encouraged by the courts to resort to that mode of adjusting their differences.

Rules contained in Regulation XVI, 1793, and Regulation XXI, 1803, to be considered applicable to Suits referred to Arbitration under the present Regulation.

Second. The Rules contained in Regulation XVI, 1793, and Regulation XXI, 1803, respecting the reference of suits to arbitration, the appointment of arbitrators and umpires, the investigation of suits referred to arbitration, the time and mode of making the award, and the setting aside or confirming the same, are declared applicable to suits referred to arbitration by the courts of judicature under this Regulation.

Persons between whom disputes may exist respecting Land, are at liberty to refer the same to private Arbitration.

III. *First.* Persons between whom disputes may exist respecting the property of land or limited tenures therein, or rights dependent thereon, whether the same be or be not depending in the courts of judicature, are at liberty, without any application to the courts, to refer the same to private arbitration; and the awards made by the arbitrators and umpires appointed in such case by the parties, shall be supported and inforced by the courts, under the following rules and limitations:

How the Award is to be carried into execution, and during what period.

Second. Whenever a dispute respecting the matters above enumerated shall have been referred to private arbitration, and an award shall have been duly made, if either party shall refuse to perform the award, it shall be competent to the other party, within the period of six months from the date of the award, to apply summarily to the Dewanny Adawlut; and upon such application, if the court, after calling upon the opposite party for his answer, be satisfied that the award was duly made by arbitrators or umpires appointed by the free will and consent of the parties, and such award shall be liable to no impeachment which would have warranted the setting it aside if it had been made under the authority of the court, shall cause the same to be summarily executed as a decree of court, calling upon the arbitrators and umpires, if necessary, to attend and give their assistance in the execution of their said award; provided always, that if such application for the inforcement of a private award shall not be made within the period above prescribed, the court shall not admit any plea whatever for the delay, but shall reject such application, and refer the party preferring it to a regular suit.

Whenever private Awards are tendered by the parties in regular Suits, the Courts how to proceed in those cases.

Third. Whenever private awards shall be tendered by the parties in regular suits, the courts, if such awards shall appear to have been performed, and the possession of the contested property to have been held under them, shall allow equal validity to the same, as if they had been made under the authority of the courts: But if the awards tendered shall not have been performed at all, or shall have been performed only in part, the courts shall not admit the same, unless they be established by clear and satisfactory proof, shall be distinct and intelligible, so as to admit of easy execution, and the delay which may have occurred in the performance of them shall also be duly accounted for.

IV. There

IV. There being reason to believe that decrees have been passed by many of the civil courts of judicature, founded both upon awards made under the authority of the court, and also private awards, respecting the property in land, and limited tenures therein and rights dependent thereon; It is hereby declared, that after the promulgation of this Regulation, no decree relating to the matters above enumerated shall be amended or reversed, upon the ground of the same being founded on an award of arbitration not authorized by the Regulations, at the time the award was made, unless such award be in itself open to just cause of impeachment.

No former decree of Court, on Awards of arbitration respecting Land, shall be amended or reversed after the promulgation of the present regulation.

Exception; in what case.

V. *First.* An opinion prevalent of the disadvantages attendant on becoming the plaintiff in cases of alleged forcible dispossession from lands, or forcible disturbance of the possession thereof, often preventing cases of this nature from being brought under the cognizance of the civil courts, whereby the said disputes, instead of being adjusted, frequently continue until they terminate in breaches of the peace; To remedy this inconvenience, it is hereby provided, that when a Dewanny court shall be certified from the Foujdarey court, that disputes exist concerning any lands or premises likely to terminate in a breach of the peace if not adjusted, the dewanny court shall address perwannahs to the parties, calling on them to attend in person or by vakeel, and deliver a written statement of their possession, and adduce proof of their having been forcibly dispossessed or disturbed in their possession by the adverse party; whereupon the court, after an investigation of the statements and evidence of both parties, shall decide the case in the same manner as if it had been brought on by a complaint in the ordinary mode.

The Civil Courts how to proceed in the adjustment of cases of forcible dispossession of Land, on their being certified from the Foujdarry Courts, that disputes exist concerning any Lands, and that it is likely to terminate in a breach of the peace if not adjusted.

Second. In all the cases of forcible dispossession and disturbance of possession mentioned above, but more especially of disputes respecting the boundaries of estates and premises, and the right to water for the purposes of irrigation, the dewanny courts are hereby authorized and required to use every proper means for inducing the parties to refer their disputes to arbitration, with a view either of settling the possession until the matter can be investigated on a regular suit, or to make a complete and final adjustment of their differences; and the award when made, shall, if open to no just cause of impeachment, be executed by the court with the assistance of the arbitrators. If the parties shall agree to authorize the arbitrators to make a complete and final award on their differences (which mode of adjustment shall, in the cases contemplated in this section, be invariably promoted by the courts) the agreement to refer shall carefully express that the award is intended to be final; and the award, when confirmed by the courts, shall be held of the same force and validity as a regular judgment.

The Civil Courts to use every means to induce parties, in cases of forcible dispossession of Land, to refer their disputes to arbitration.

Third. And whereas, on complaints for forcible dispossession from land, and forcible disturbance of the possession thereof, it occasionally happens that after due investigation the fact of possession cannot be ascertained, it shall in such cases be competent to the court before whom the matter is depending, to attach the disputed lands, and to appoint a person, properly qualified and under adequate security, to the management of the same, by collecting the rents, discharging any public revenue demandable from the lands, and paying into court the profits which may result, after satisfying all necessary expenses and disbursements. But the courts are enjoined not to resort to this measure, except when it may be found indispensable, after a careful inquiry into the possession of the parties. Provided always, that nothing contained in this clause shall be construed to exempt estates or lands so attached, from the responsibility to which they may be subject for payment of the public revenue to Government, according to the engagements contracted by the proprietors.

In what cases the Courts may attach the disputed Lands.

But the Estates or Lands so attached shall not be considered to be exempted from the payment of the Public Revenue to Government.

A. D. 1813. REGULATION VII.

A REGULATION for extending to the Ceded and Conquered Provinces, the provisions contained in Regulation III, 1801, and in Section XIII, Regulation VIII, 1794; and for rescinding parts of Sections XI and XV, Regulation I, 1803:—Passed by the Governor General in Council, on the 17th July 1813; corresponding with the 3d Sawun 1220 Bengal era; the 4th Sawun 1220 Fussily; the 4th Sawun 1220 Willaity; the 4th Sawun 1870 Sumbut; and the 18th Rujeeb 1228 Higeree.

WHEREAS a Rule was enacted by Regulation III, 1801, for discouraging unfounded accusations of Perjury, and Subornation of Perjury, in the zillah and city

Preamble.

courts, throughout the provinces of Bengal, Behar, Orissa, and Benares (extended to Cuttack, by Section XI, Regulation XIV, 1805;) and it has been deemed expedient to extend the said Rules to the Ceded and Conquered Provinces: And whereas it is no longer considered necessary to continue to promulgate translations of the Regulations in the Ceded and Conquered Provinces, in the Hindoostanee language: And whereas it is provided by Section XXI, Regulation V, 1812, that the causes therein mentioned shall be referred as soon as instituted to the collectors, for their report, under the Rule contained in Section XIII, Regulation VIII, 1794, which last mentioned Rule has not been extended to the Ceded and Conquered Provinces; The following Rules are accordingly enacted; to be in force, as soon as promulgated, throughout the provinces ceded by his Excellency the Nawaub Vizier, the conquered provinces lying on the right and left banks of the river Jumna, and the territory ceded by his Highness the Peishwain Bundlecund.

Judges of Zillah Courts empowered to refer certain rent or revenue Accounts to the Collectors, for report.

II. *First.* In causes concerning rent or revenue between proprietors of lands, or farmers of land holding their farms immediately of Government, and their respective dependent talookdars, under-farmers or ryuts; or between dependent talookdars, and their under-farmers or ryuts; or between under-farmers, farming lands of proprietors of land, or of farmers of land, who farm their lands immediately of Government; or of dependent talookdars and their dependent talookdars, under farmers or ryuts; or between other persons concerned in the collection or payment of land rents or revenues, either as principals or sureties; the judges of the zillah courts are empowered to refer to the collectors of their respective zillahs, for their report, any accounts, the adjustment of which may be necessary towards the decision of the suit. The reference shall be made to the collector by a precept, under the signature of the judge and the seal of the court, in which shall be specified, the accounts referred, and the papers which the judge may think it necessary to send in elucidation of them, and the time by which the report is to be made. The judge is further empowered to command the parties or their vakeels, and any witnesses they may have to produce, to appear before the collector, that he may examine them regarding the accounts, and to authorize the collector to administer the customary oaths (or a solemn declaration instead of an oath) to the witnesses, or to the parties, if the latter shall agree to be so examined. The collector shall submit his report on the accounts to the court, by the prescribed time, attested by his official seal and signature, or assign his reason for not having been able to complete it by the period directed. The judge, upon the receipt of the collector's report, shall either confirm, set aside, or alter, his adjustment of the accounts, or pass such decision respecting them, as may appear to him proper. But the rules in this section are not to extend to empower the judge to refer to the collector any accounts relating to suits in which the collector, or any of his public officers or private servants, or Government, may be a party.

The above Rule applicable to Suits instituted under Regulation V, 1812.

Second. Suits which may be instituted under Regulation V, 1812, shall be referred, as soon as instituted, to the collectors, for their report, under the rule contained in the preceding clause.

Magistrates not to receive charges of Perjury.

Individuals attending in civil causes, not liable to prosecutions for Perjury, unless committed for trial by the Judge.

III. The magistrates of the several zillah courts shall not receive any charges of perjury, which may be preferred by parties in civil suits, either against their own witnesses or against the witnesses of the adverse party, or of subornation of perjury, against the adverse parties in such suits: And all individuals whose attendance is required in the civil courts, either as plaintiffs, defendants, or witnesses, are hereby declared not to be liable to any prosecutions of this description, unless they shall be committed to take their trial by the zillah judge, under the authority vested in him by Section VIII, Regulation III, 1803.

Parts of Sections XI and XV, Regulation I, 1803, requiring translations of the regulations into the Hindostanee language, rescinded. Such regulations to be translated and printed, in future, in the Persian language only.

IV. Such parts of Sections XI and XV, Regulation I, 1803 (extended to the Conquered Provinces and the territory ceded by the Peishwa in Bundlecund, by Section II, Regulation VIII, 1805) as direct that the Regulations passed in conformity with Section II of the said Regulation, shall be translated and printed in the Hindoostanee language, are hereby rescinded. Such Regulations shall in future be translated and printed in the Persian language only, for distribution in the provinces and territory aforesaid. The publication of Hinduvee translations having been discontinued for some time previously to the enactment of this Regulation, it is further provided, that such omission shall not be allowed as a plea against the validity of any existing regulation.

A. D. 1813. REGULATION VIII.

A REGULATION for defining more particularly the different Classes of People who shall be liable to be tried by the Courts of Criminal Judicature established in the British Possessions, for offences committed in foreign territories:—Passed by the Governor General in Council, on the 24th July 1813; corresponding with the 10th Sawun 1220 Bengal era; the 11th Sawun 1220 Fussily; the 11th Sawun 1220 Willaity; the 12th Sawun 1870 Sumbut; and the 20th Rajeeb 1228 Higeree.

Preamble.

WHEREAS doubts have arisen respecting the construction which should be attached to the words—"Native subjects of the British Government," employed in Regulation V, 1809: And whereas it is essential to the ends of justice, that the necessary definition should be given of those terms; and also, that the provisions of that regulation should be extended to certain other classes of persons to be now described; The following Rule has been enacted; to be in force from the period of its promulgation throughout the territories immediately dependent on the Presidency of Fort William.

What classes of persons the provisions of Regulation V, 1809, should be considered applicable to.

II. The provisions contained in Regulation V, 1809, for the punishment of crimes committed beyond the British territories in India, shall be considered applicable to the three following classes of persons, and to no other:

First. Natural born subjects of the British Government in India.

Second. Natives of India, who may have become subjects of the British Government in India, by the conquest or cession of the places in which they were born, for acts done by them subsequently to the period of such conquest or cession.

Third. Natives of the foreign states of India, in the civil or military service of the British Government in India, while actually in such service, and during six months after they shall have quitted the British territories; or (supposing them to be stationed out of the limits of the British territories) after they shall have quitted the service: Provided however, that nothing contained in this Regulation shall be construed to authorize any of the established courts in the British provinces to take cognizance of any charge against a native military officer, sepoy, trooper, or other person, for which he may have been already tried by a court martial under the 5th Article of the 15th Section of the Rules and Articles of War.

And in what case the established Courts are restricted from taking cognizance of any charge against a Native military officer, sepoy, trooper or other person.

A. D. 1813. REGULATION IX.

A REGULATION for restoring the Punishment of Transportation:—Passed by the Governor General in Council, on the 24th July 1813; corresponding with the 10th Sawun 1220 Bengal era; the 11th Sawun 1220 Fussily; the 11th Sawun 1220 Willaity; the 12th Sawun 1870 Sumbut; and the 20th Rajeeb 1228 Higeree.

Preamble.

IT having been deemed expedient to restore the punishment of Transportation in the territory dependent on the Presidency of Fort William, The following Rule has been enacted, to be in force throughout the said territory from its promulgation.

Clauses First and Second, Regulation XIV, 1811, rescinded; and Clause Second, Section VIII, Regulation LIII, 1803, revived.

II. *First.* Clauses First and Second, of Regulation XIV, 1811, are hereby rescinded; and Clause Second, Section VIII, Regulation LIII, 1803, is declared to be revived and in full force.

The Governor Gen. in Council competent to detain in the Jail at Allypore any Convicts sentenced to Transportation, for any period which he may deem expedient.

Second. Provided always, that it shall be competent to the Governor General in Council to detain in the jail at Allypore, for any period which he may deem expedient, any convicts sentenced to transportation.

Convicts sentenced to Transportation, shall be sent to such of the British Settlements in Asia as the Governor General in Council shall appoint.

Transferring of Convicts from one Settlement to another.

What Convicts may be exempted from removal.

Third. It is moreover declared, that all convicts sentenced to transportation, shall be sent to such of the British settlements in Asia, as the Governor General in Council shall appoint; and shall also be liable to be employed at any places within the limits of the settlement to which they shall be sent, which shall from time to time be fixed on by the local administration. A power is further vested in the Governor General in Council, of transferring convicts from one place to another in the settlements aforesaid; and such transfer is hereby authorized as often as the same may be found requisite. The Governor General in Council however, previously to ordering such transfers, will consult the local administration upon the propriety of allowing any convicts to be exempted from removal, whose good conduct shall have merited this indulgence, or who, from sickness or infirmity, may not be fit objects to be removed.

A. D. 1813. REGULATION X.

A REGULATION for reducing to one Regulation, with alterations and amendments, the Regulations at present in force respecting the Manufacture and Sale of Spirituous Liquors, intoxicating Drugs, Taury and Putchwy :— Passed by the Governor General in Council, on the 21st August 1813; corresponding with the 7th Bhadoon 1220 Bengal era; the 9th Bhadoon 1220 Fussily; the 8th Bhadoon 1220 Willaity; the 10th Bhadoon 1870 Sumbut; and the 23d Shabaan 1228 Higeree.

Preamble.

WHEREAS it has been deemed advisable, with a view to the more effectual prevention of the unauthorized manufacture and sale of Spirituous Liquors distilled according to the country process, that Distilleries should be established at or near to each of the cities or towns at which the collectors of the land revenue reside, and eventually at other places; to be conducted under the immediate control of the collectors or other officers invested with the charge of the abkarry mohaul: And whereas it is necessary to provide for the collection of the established duties on spirituous liquors distilled according to the European process, at places situated at a distance from Calcutta: And whereas it will tend to the public convenience, to reduce the whole of the regulations at present in force with respect to that branch of the public revenue, and respecting likewise the duties on intoxicating drugs, taury, and putchwy, to one regulation, with alterations and amendments; The following Rules have been passed; to be in force from the commencement of the ensuing Fussily, Willaity, and Bengal years, in the different districts in which those eras are respectively current.

Regulations rescinded.

II. Regulations XXXIV and LI, of 1793; Regulation I, of 1794; Regulation XLVII, of 1795; Section IV, Regulation VII, of 1797; Regulation VI, of 1800; Sections XXII, XXIII, XXIV, and XXV, of Regulation II, of 1802; Regulation XL, of 1803; Section XXVI, Regulation VIII, of 1805; Regulation XX, of 1806; Regulations I and III, of 1808; Regulation V, of 1811; and Regulation XIII, of 1812; are hereby rescinded.

A sufficient spot of Ground to be enclosed in or near every Town where a Collector or assistant Collector is stationed, to be denominated the Sudder Distillery of the District.

III. *First.* In or near every city and town, at which a collector or assistant collector (as at Chittra and Bancoorah) of the land revenue is or may be stationed, a sufficient spot of ground shall be enclosed, either by a wall or other fence, according as the Board of Revenue or Board of Commissioners may direct, to be denominated the Sudder Distillery of the district in which it may be established.

Distance within which no Stills may be constructed.

Second. No stills shall be constructed, kept, or worked, within four coss of any of the distilleries above described, or of the boundary of the city or town in or near which they may be established, except within the circumference of the said distilleries or enclosures; and no person shall be permitted to introduce within those limits, spirits manufactured at any other place.

How the rate of Duty is to be fixed on the produce of the Distilleries.

Third. The rate of duty to be levied on the produce of the abovementioned distilleries respectively, shall be fixed by the Board of Revenue and Board of Commissioners, according as they may be established within the districts subject to the authority of those Boards, at or before the commencement of each current Bengal, Fussily, and Willaity years.

By whom the Duty shall be paid, and what each gallon shall weigh.

Fourth. The duty shall be paid (agreeably to the rate per gallon which may be established) under the preceding clause, in the several districts respectively, by the vender or other person by whom it may be removed from the distillery; and each gallon shall weigh 304 Sicca weight.

No Liquor to be removed from the Distilleries, except under a pass from the Collector or assistant Collector.

Fifth. No liquor shall be allowed to be removed from any of the said distilleries, but under a pass from the collector or assistant collector.

Designation of the Person under whom the Sudder Distillery shall be placed, and what accounts he is to keep.

IV. Each sudder distillery shall be placed under the immediate charge of a native superintendent, who shall be denominated Darogah of the sudder distillery of the district in which it may be established, who shall keep an account of the quantity and strength of the spirits manufactured in the distillery, and who shall be responsible to the collector or assistant collector, that no liquor be removed from the distillery without a regular pass.

The Collector or assistant Collector to adjust with the venders, the number of gallons which they may respectively re-

V. On granting licenses agreeably to form (No. 1.) annexed to this Regulation, for the sale of spirits manufactured in a sudder distillery, the collector or assistant collector shall adjust with the venders, the number of gallons which they shall respectively receive each day from the distillery, and the duty on the quantity so fixed, according

according to the rate previously settled by the Board of Revenue or Board of Commissioners under Clause Third, Section III, of the present Regulation; and monthly passes shall be issued to the venders accordingly.

ceive each day from the Distillery, and the duty on the quantity so fixed.

VI. A pass prepared agreeably to the form (No. 2) annexed to this Regulation, shall be granted every month to each licensed vender, specifying the name of the vender, the number and situation of his shop, and the quantity of spirits to be passed daily; and the darogah of the distillery shall certify daily on the back of each pass, the quantity of spirits issued from the distillery, and likewise the hour at which the liquor may have been removed.

What kind of Pass to be granted to each licensed Vender every month.

VII. Persons licensed to retail spirits, being the produce of a sudder distillery, who may be desirous of obtaining from such distillery a quantity of spirits exceeding the number of gallons specified in their monthly passes, shall, upon payment of the established rate of duty on such additional quantity, be furnished by the collector or assistant collector with an extra pass, to be prepared agreeably to the form (No. 3) annexed to this Regulation.

Extra Passes to be granted for any additional quantity of Spirits obtained from a Sudder Distillery.

VIII. It is to be clearly understood, that no spirits shall be removed from any sudder distillery, the strength of which may exceed twenty-five per cent below London proof. If the process observed in the manufacture shall produce spirits exceeding that standard, they shall be reduced to that strength previously to their removal from the distillery.

No Spirits to be removed from any Sudder Distillery, the strength of which may exceed 25 per cent. below London proof.

IX. All persons who may be discovered in any attempts to evade the rules prescribed by this Regulation for the management of sudder distilleries, either by the establishment of stills within the prohibited limits, by the introduction of spirits manufactured at other places, or by attempts to convey spirits from the distillery, without a proper pass from the collector or assistant collector, or without the attestation of the superintendent, or exceeding the quantity specified in any such pass, shall on conviction be subject to the penalties hereinafter prescribed by Section XXII, of this Regulation.

Penalties on Persons who may be discovered in any attempts to evade the rules prescribed by this Regulation.

X. A register of all passes which may be issued, shall be kept by the collector, or assistant collector; and the passes shall be returned by the venders at the expiration of the period for which they have been granted, and when they are no longer in force.

Register of Passes to be kept by the Collector or assistant Collector, and the Venders to return their Passes when no longer in force.

XI. For the convenience of venders residing in large cities and principal towns, the Board of Revenue and Board of Commissioners are hereby authorized to sanction the establishment of two distilleries, but not more, for the supply of each of such cities and towns. In cases likewise in which those Boards may be of opinion that distilleries can be advantageously and conveniently established at any of the other large towns in the interior of the different districts, on the footing of the sudder distilleries, they are hereby empowered to have recourse to that measure; being careful however not to sanction them, except in cases in which they can be vigilantly controlled by the collectors or assistant collectors.

In large Cities and principal Towns, the Board of Revenue and Board of Commissioners authorized to sanction the establishment of two Distilleries, but not more. The Board of Revenue and Board of Commissioners may likewise authorize the establishment of Distilleries at any of the other large towns in the interior of the different districts, on the footing of the Sudder Distilleries.

XII. It shall be the duty of the Board of Revenue and Board of Commissioners to furnish the collectors or assistant collectors, subject to their authority respectively, with such instructions as they may deem best calculated for the internal control of the distilleries; especially with the view of preventing the admixture of noxious drugs with the spirits; of encouraging the introduction of an improved method of distillation, and the use of the best materials; and of preventing the illicit removal of spirits.

The Boards to furnish the Collectors with Instructions for the internal control of the Distilleries.

XIII. *First.* In addition to the distillery or distilleries which may be established under the control of the collector of the 24 Pergunnahs, for the supply of the suburbs of Calcutta, and of the villages and places lying within four coss of the city, another distillery shall be established in the vicinity of Calcutta, for the supply of the city itself, to be conducted on the principles established for the management of the sudder distilleries, so far as those principles may be consistent with the provisions of the legislature for regulating the sale of spirits within the city.

A separate Distillery to be established in the vicinity of Calcutta, for the supply of the City itself, in addition to the Distillery or Distilleries which may be established under the control of the Collector of the 24 Pergunnahs.

Second. Spirits manufactured at the distillery last mentioned, shall on no account be sold or consumed in any place except in the city of Calcutta, and under licenses obtained for that purpose from His Majesty's justices of the peace. Any person infringing or attempting to infringe this rule, shall be subject to the penalties established for the illicit manufacture and sale of spirituous liquors by Section XXII, of this Regulation.

Spirits manufactured at the separate Distillery in the vicinity of Calcutta, shall on no account be sold or consumed in any other place except in the City of Calcutta. Penalties for infringing this rule.

The Collector of the 24 Pergunnahs to concert with the Magistrates of Calcutta the best means of preventing the illicit sale of Spirits manufactured for the supply of the City, in any place beyond its limits.

Third. It shall be the duty of the collector of the 24 Pergunnahs, to concert with the magistrates of Calcutta, the best means of preventing the illicit sale of spirits manufactured at the distillery established for the supply of the city, in any place beyond its limits.

Rules to be observed respecting the manufacture and sale of Spirituous Liquors at places situated more than four coss from the Sudder Distilleries.

XIV. *First.* The following rules shall be observed with respect to the manufacture and sale of spirituous liquors at places situated more than four coss from the sudder distilleries, or distilleries established on that principle, in the interior of the different zillahs.

The Rate of Duty, how to be fixed, and when.

Second. The rate of duty shall be fixed by the collectors, with the sanction of the Board of Revenue, or Board of Commissioners, as the case may be, at or before the commencement of every Bengal, Fussily, or Willaity year, in the several pergunnahs or other known divisions of the different districts.

The Board of Revenue and Board of Commissioners to cause the highest Rates of Duty to be fixed.

Third. It shall be the duty of the Board of Revenue and Board of Commissioners to cause the highest rates of duty to be fixed, which can be introduced, without giving rise to the illicit manufacture and sale of spirits.

Applications for Licenses shall specify whether the manufacture and sale should be conducted at one and the same place, or at different places.

Fourth. Persons proposing to take out licenses under this Regulation, shall uniformly specify in their applications for such licenses, whether it is intended that the manufacture and sale should be conducted at one and the same place, or at different places; and licenses shall be granted in conformity to the forms (No. 4 and 5) annexed to this Regulation accordingly.

A caboolyet to be executed by Persons obtaining Licenses.

Fifth. A caboolyet shall be executed by persons obtaining licenses for the manufacture and sale of spirituous liquors under this section, in strict conformity to the tenor of such licenses.

And the Duty to be levied every ten or twenty days, or at the close of each month.

Sixth. The rate of duty having been fixed under Clause Second, and the licenses and caboolyets having been interchanged between the collectors and the distillers, the duty shall be levied at the expiration of every ten or twenty days, or at the close of each month, as may appear to the collectors most convenient; subject of course to any instructions which they may receive on this point from time to time from the Board of Revenue and Board of Commissioners.

Separate Licenses to be taken out by the Distiller, when he may be desirous of keeping and working more than one Still, and to pay the increased duty accordingly.

Seventh. Any license which may be issued under these rules, shall only be considered to authorize the establishment of one still. If the distiller shall be desirous of keeping and working more than one still, he shall take out a separate license or licenses, conformably to the number of stills, and shall pay increased duty accordingly.

The Collectors to prevent the introduction of Spirits manufactured under this Section, into any place situated within four coss of the Sudder Distilleries.

Eighth. It will be the duty of the collectors to adopt the necessary means to prevent the introduction of spirits manufactured under this section, into any place situated within four coss of the sudder distilleries, or of the city or town at or near which they may be established, or of any distillery established on that principle in the interior of any of the districts.

Taury not to be sold, except under Licenses from a Collector or assistant Collector, or other officer in charge of the abkarry mohaul, for which the venders are to pay a daily tax.

XV. *First.* Taury shall not be sold, whether in a fermented or unfermented state, except under licenses from a collector, assistant collector, or other officer in charge of the abkarry mohaul; for which the venders shall pay a certain daily tax to Government.

The Board of Revenue and Board of Commissioners to determine the rate of Duty to be established on the sale of Taury.

Second. It shall be the duty of the Board of Revenue and Board of Commissioners to determine, at or before the commencement of each Bengal, Fussily, or Willaity year, the rate of duty which shall be established on the sale of taury, in the different towns and villages in the several districts subject to their authority respectively.

Putchwye not to be sold except under Licenses, for which the venders are to pay a daily tax.

XVI. *First.* Putchwye shall not be sold except under licenses from a collector, assistant collector, or other officer in charge of the abkarry mohaul, for which the venders shall pay a certain daily tax to Government.

The Board of Revenue and Board of Commissioners to determine the rate of Duty to be established on the sale of Putchwye.

Second. It shall be the duty of the Board of Revenue and Board of Commissioners to determine, at or before the commencement of each Bengal, Fussily, and Willaity year, the rate of duty which shall be established on the said article, in the different towns and villages of the several districts subject to their authority respectively.

Intoxicating Drugs (including Opium) not to be sold except

XVII. *First.* Intoxicating drugs (including opium) whether in a dry state, or infused in water or any other fluid, shall not be sold except under licenses from a collector,

collector, assistant collector, or other officer in charge of the abkarry mohaul; for which the venders shall pay a certain daily tax to Government.

under Licenses, for which the venders are to pay a daily tax.

Second. It shall be the duty of the Board of Revenue and Board of Commissioners to determine, at or before the commencement of each Bengal, Fussily, and Willaity year, the rate of duty which shall be established on the sale of intoxicating drugs, in the different towns and villages of the several districts subject to their authority respectively. Provided however, that nothing contained in this section shall be construed to authorize the sale of the articles denominated churrus, muddut or koppah; these articles being of a most noxious quality, and highly prejudicial to health.

The Board of Revenue and Board of Commissioners to determine the Rate of Duty to be established on the Sale of Intoxicating Drugs.

With the exception of Churrus, Muddut, or Koppah.

Third. The retail sale of opium under the provisions of this Regulation, shall be confined to one or two of the principal towns in each district; and it shall be the duty of the collectors to discourage to the utmost extent of their means, the sale and consumption of opium, except for medicinal purposes.

The retail sale of Opium to be confined to one or two of the principal Towns in each District; and the Collectors to discourage the sale and consumption of Opium, except for medicinal purposes.

Fourth. Opium being a monopoly of Government, the collectors or other officers invested with the charge of the abkarry mohaul, shall state to the Board of Trade, from time to time, the quantity which may be required for the consumption of their respective districts; and the Board of Trade shall issue the necessary orders to the nearest opium agent, or to their secretary, to furnish the required supply: Provided, however, that if the Board of Trade shall in any case be of opinion, that the quantity indented for is greater than can be required for medicinal purposes in any city or district, they shall be competent to limit the supply accordingly.

The officers in charge of the abkarry mohaul, to state to the Board of Trade the quantity of Opium which may be required for their respective Districts.

The Board of Trade to issue orders for the supply. The Board of Trade deemed competent to limit the supply.

Fifth. Licensed retail venders of opium shall pay, in addition to the daily tax which may be established under Clause Second of this section, the sum of ten rupees per seer of 72⅔ sicca weight to the seer, for all the opium received by them; and the amount so paid, shall be carried to the credit of the Opium Department, after deducting the established commission of the collectors.

Retail Venders of Opium to pay the sum of ten Rupees per seer, for all the Opium received by them, in addition to their daily tax.

XVIII. *First.* For the more convenient collection of the duties on spirituous liquors, intoxicating drugs, and other articles, in places situated beyond the limits to which the operation of the sudder distilleries is to extend, officers shall be appointed by the collectors, to be denominated abkarry darogahs, for the collection of the said duties in all such places.

The Collectors to appoint officers for the collection of the Duties on Spirituous Liquors and other articles, in places situated beyond the limits to which the operation of the Sudder Distilleries is to extend, who are to be denominated Abkarry Darogahs.

Second. The local limits of the authority of the abkarry darogahs respectively shall be settled by the Board of Revenue and Board of Commissioners, who will recommend to Government what allowances those officers should receive.

The local limits of the authority of the Abkarry Darogahs to be settled by the Board of Revenue and Board of Commissioners, who will recommend to Government the allowances which they should receive.

Third. The office of abkarry darogah may either be united with that of tehsildar, in districts in which the latter office exists, or may be vested in separate persons, according as the Board of Revenue, and Board of Commissioners, may deem most advisable.

The office of Abkarry Darogah may be united with that of Tehsildar, or may be vested in separate Persons, as the Boards may deem advisable.

Fourth. It shall be competent for persons holding the office of abkarry darogah, to apprehend and send to the collector, any individual having an unlicensed still in his possession, or engaged in the illicit sale of spirituous liquors, taury, putchwye, or intoxicating drugs.

The Abkarry Darogah competent to apprehend and send to the Collector any Persons having an unlicensed Still, or engaged in the illicit sale of Spirituous Liquors and other articles.

Fifth. In the cases mentioned in the preceding clause, the collectors shall regularly proceed in the manner hereafter prescribed in Section XXII of the present Regulation, with regard to other illicit dealers.

And the Collector how to proceed against illicit dealers.

Sixth. It shall be the duty of the Board of Revenue and Board of Commissioners to furnish the collectors with such detailed instructions for the guidance of the abkarry darogahs, as they may deem best calculated to ensure a faithful discharge of the duties entrusted to the said officers.

The Board of Revenue and Board of Commissioners to furnish the Collectors with detailed instructions for the guidance of the Abkarry Darogahs.

XIX. *First.* In cases in which it may be deemed advisable, the collectors are hereby authorized, with the sanction of the Board of Revenue or Board of Commissioners, as the case may be, to let the duties leviable on the manufacture and sale of spirituous liquors, in any pergunnah or other known division of a district, to farm, for a period not exceeding one year.

The Collectors may let the duties leviable on the manufacture and sale of Spirituous Liquors, in any Pergunnah or known division of a District, to farm, for a period not exceeding one year, with the sanction of the Board of Revenue or Board of Commissioners.

Second. In cases in which an arrangement of this nature may be judged advisable by either of the above-mentioned Boards, an advertisement shall be issued, signifying that

In cases in which it may be judged advisable, the Boards may issue an advertisement

inviting proposals for the farm of the Duties leviable on the manufacture and sale of Spirituous Liquors; and the highest offers to be accepted.

that proposals will be received, for a certain time, for the farm of the duties leviable on the manufacture and sale of spirituous liquors; and the highest offers, provided they be accompanied with good and substantial security, shall be accepted.

The Farmer of the Duties to make his own arrangements with the Manufacturers and Venders, within the limits of his farm; and no other persons authorized to manufacture and sell Spirits within those limits.

Third. Whenever the duties on spirits may be let to farm in any pergunnah or other known division of a district, under the foregoing clauses, it shall be competent to the farmer to make his own arrangements with the manufacturers and venders within the limits of his farm; and no persons, excepting those who may be regularly authorized by the farmer, shall manufacture or sell spirits within those limits, on pain of incurring the penalties established by Section XXII of the present Regulation.

Restriction.

Fourth. Nothing contained however in the preceding clauses of this section, shall be construed to authorize the Collectors or the abovementioned Boards, to let the duties on spirits to farm at any place included within the limits prescribed for the sudder distilleries.

No arrangement of the above description to be adopted, except in remote Pergunnahs.

Fifth. Those Boards are likewise required to be careful that no arrangement of this sort be adopted, except in remote pergunnahs, or other places where the manufacture and sale are not liable to interfere with the revenue derived from stills specially licensed by the collectors.

No British Subject to be allowed to reside at any place beyond the 24 Pergunnahs and districts immediately adjacent to Calcutta, in possession or charge of any Distillery constructed and worked according to the European process, unless he shall engage to pay the Duties established by Regulation II, 1802.

XX. *First.* By Regulation II, 1802, Rules have been established for levying a duty on spirits manufactured at distilleries constructed and worked according to the European process, the collection of which is entrusted by the said regulation to the justices of the peace acting in and for the districts adjacent to Calcutta: It being impracticable however for the said justices to levy the duties on distilleries of that description, which are or may be established beyond those limits; it is hereby declared and provided, that no British subject shall be allowed to reside at any place beyond the 24 Pergunnahs and districts immediately adjacent to Calcutta, in possession or charge of any distillery constructed and worked in the manner above noticed, unless he shall engage to pay the duties established by Regulation II, 1802, through the medium of such officer as may be appointed by the Board of Revenue or Board of Commissioners to adjust and receive the same, and otherwise to conform to all the provisions contained in the said Regulation; provided however, that nothing contained in this Regulation shall be construed to invalidate or otherwise affect the contract at present subsisting between Government and the proprietor of the distillery established near Cawnpore, for the supply of rum for the army, during the term of the said contract.

Proviso.

The Board of Revenue and Board of Commissioners to appoint Persons for the adjustment and collection of the Duties to be collected from Distilleries of the above description, beyond the limits above described.

Second. It shall be the duty of the Board of Revenue and Board of Commissioners to appoint such person as they may judge most advisable, for the adjustment and collection of the duties to be collected from any distilleries of the above description, beyond the limits already stated, reporting the arrangement so made for the confirmation or revision of Government.

Persons who may be convicted of the illicit manufacture and sale of Spirituous Liquors, Taury, Putchwye, and intoxicating drugs, including Opium, liable to fine or imprisonment.

XXI. A general prohibition being established by the present Regulation, against the unlicensed manufacture and sale of spirituous liquors, taury, putchwye, and intoxicating drugs, including opium; any person who may be convicted (in the manner hereinafter described) of such illicit manufacture or sale, shall be liable to the payment of a fine not exceeding rupees five hundred; or, in the event of the fine not being duly discharged, to imprisonment in the dewanny jail of the district in which such conviction may take place, for a period not exceeding six months.

Investigations respecting the illicit manufacture or sale of Spirituous Liquors, Taury, &c. to be conducted by the Collectors of the Land Revenue.

XXII. *First.* All investigations which it may be necessary to institute respecting the illicit manufacture or sale of spirituous liquors, taury, putchwye, or intoxicating drugs, including opium, shall be conducted by the collectors of the land revenue, or other public officers entrusted with the charge of the abkarry mohaul.

Collectors how to proceed against Persons infringing the prohibition noticed in the preceding Section.

Second. Whenever any charge may be preferred, or information lodged on oath, against any person, for the infringement of the prohibition noticed in the preceding section, or whenever any reasonable ground of suspicion shall incidentally appear against any such person, from proceedings which may be holden by the collector in any other case, it shall be competent for the collectors or other officers entrusted with the charge of the abkarry mohaul, to cause the person charged with or suspected of the said offence to be apprehended, in order that a regular inquiry may be made into the merits of the case.

Investigations to be commenced on the arrival of the Parties,

Third. Investigations under this section shall be commenced immediately on the arrival of the party accused or suspected at the cutcherry of the collector, and shall

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be prosecuted with the least possible delay. It shall be the duty of the Board of Revenue and Board of Commissioners to require such periodical reports or returns, regarding the discharge of this duty by the collectors, as may appear to those Boards best calculated to enable them to judge whether the inquiries in question are conducted with the least possible delay, and whether the parties impleaded do not suffer any inconvenience which can be avoided.

and prosecuted with the least possible delay. The Boards to require periodical Reports from the Collector.

Fourth. Any person convicted before a collector, of the offence of manufacturing or selling any of the articles specified in Clause First of this section, shall be adjudged by the collector to pay such fine as on due consideration of the circumstances of the case may be deemed proper, not exceeding the sum specified in Section XXI, or in default of payment, to be confined for a period not exceeding the term specified in the same rule.

How Fines shall be levied from Persons convicted before a Collector.

Fifth. Whenever any person may be adjudged to pay a fine or to be imprisoned for the illicit sale and manufacture of spirituous liquor, or other articles under these rules, he shall be immediately sent with a certificate to the judge of the city or zillah, stating the purport of the order passed against the person in question; and the judge shall on those grounds, give the necessary directions for the execution of the order accordingly.

He shall then be sent to the Judge of the City or Zillah, who will give the necessary directions for the execution of the orders.

Sixth. Persons, who, after the investigation prescribed by these Rules, shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released, and the expense to which they have been actually subject on account of the inquiry, shall be paid to them, by the collectors, on the part of Government. Should it further appear on investigation, that the inquiry originated in malice, or in motives clearly vexatious and unwarranted on the side of the informant, it shall be competent for the collectors to order such informant to pay to the party aggrieved such moderate fine, not exceeding however in any case twenty rupees, as may appear reasonable, or to be confined for a period not exceeding fifteen days. Orders passed under this Rule, shall be enforced in the same manner as fines imposed for the illicit manufacture and vend of prohibited articles under Clause Fifth of this section.

Rules to be observed in regard to Persons who may not have been convicted of the Charges imputed to them.

Seventh. Persons deeming themselves aggrieved by any investigation instituted under this Regulation, or by the judgment passed by the collectors, or in any other respect, shall be at liberty to prefer their complaint to the Board of Revenue or Board of Commissioners, either through the medium of the collectors themselves, or by means of vakeels; and those Boards, after calling for such information as they may require from the collectors, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to them most conformable to the principles of substantial justice.

How Persons may proceed to complain, who deem themselves aggrieved by the investigation or judgment of the Collectors.

Eighth. A moiety of any fines which may be levied under the provisions contained in this section, shall be paid to the person or persons through whose means the illicit manufacture or sale may have been detected.

Persons through whose means the illicit manufacture and sale may be detected, shall be entitled to a Moiety of the Fine.

Ninth. In cases in which it may be necessary to imprison the offender, and in which a fine cannot or may not be levied from him, a reward of ten rupees shall be paid on the part of Government to the informant or informants, in lieu of his or their share of the above-mentioned fine.

In cases in which a Fine cannot be levied, the Informant will be paid a Reward of ten Rupees.

XXIII. With the view of restraining the illicit manufacture and sale of spirituous liquors, the collectors, and other persons invested for the time being with the charge of the abkarry mohaul, shall be deemed competent, in the cases herein after described, to issue search-warrants for the discovery of unlicensed stills, or the produce of such stills.

Collectors deemed competent to issue Search Warrants.

XXIV. *First.* Search-warrants of the description of those mentioned in the preceding section, shall not be issued, unless the collectors shall have strong grounds to believe, either from charges specifically preferred on oath, or from their own personal knowledge, or from information incidentally obtained from the proceedings holden in any other case, that spirituous liquors are illicitly manufactured, sold, or deposited on the premises proposed to be searched.

In what cases Search Warrants are to be issued.

Second. Search-warrants shall only be executed in the day-time, that is, between sun-rise and sun-set, and if possible, in the presence of two or more respectable inhabitants of the village in which the house or place proposed to be searched may be situated.

Search Warrants to be executed in the day-time.

Third. All search-warrants which may be issued under this section, shall be addressed to the nazir, abkarry darogah, or other officer on the fixed establishment of the collectors.

To whom the Search Warrants are to be addressed.

The Magistrates and other Officers of Police, to support the Officers of the Collectors.

Fourth. It shall be the duty of the magistrates, darogahs of police, and other officers of that department, to support the officers of the collectors in the discharge of the duty which may be delegated to them under this section; provided however, that nothing contained in these rules shall be construed to authorize the officers of the collectors to enter the zenana or apartments of the women, in houses belonging to persons of respectability and credit, that is, of all those classes whose women do not ordinarily appear in public.

The Officers of the Collectors prohibited from entering the Zenana or apartments of the Women.

Penalties on Persons who may be detected in the manufacture of, or in selling or concealing Spirits.

Fifth. Persons who may be detected by the means above described in the illicit manufacture of spirits, or in selling or concealing spirits so manufactured, shall be liable to the penalties established by Section XXII of the present Regulation; and on judgment being formally passed by the collectors, it shall be enforced in the mode prescribed in Clause Fifth of that section.

Rules respecting the sale of Spirits in Cantonments.

XXV. *First.* No spirituous liquors shall be manufactured or sold within the limits of any military cantonment, but under licenses from the collectors; nor shall any such licenses be granted by the collectors, but with the knowledge and concurrence of the commanding officers.

The Distillers and Venders in Cantonments to be precisely on the same footing as the Distillers and Venders at other places.

Second. Whenever licenses may be granted under the preceding clause for the manufacture or sale of spirituous liquors in any of the cantonments, the distillers and venders shall be considered to be precisely on the same footing with respect to the duty payable by them, and all other questions connected with the manufacture and sale, as distillers and venders established in other places.

How a Still or Shop in a Cantonment may be suppressed.

Third. Should the commanding officer of a cantonment be of opinion that any practical inconvenience is experienced from any stills or shops which may have been established in the said cantonment, he shall communicate his sentiments on the subject to the collector, who shall immediately order such stills or shops to be suppressed.

How a Still or Shop in the vicinity of a Cantonment may be suppressed.

Fourth. Should a commanding officer of a cantonment be of opinion that any inconvenience is experienced from any still or shop established in the vicinity of the said cantonment, he shall state his sentiments to the collector, who shall either order the still or shop in question to be suppressed, or refer the case to the Board of Revenue or Board of Commissioners, who will order the shop to be suppressed, or otherwise to be removed to a greater distance from the cantonment, as may appear to them on consideration of all the circumstances of the case to be proper.

Commanding Officers of Cantonments to be careful that no obstruction be given by the people subject to their command, to the Officers of the Collectors.

Collectors may apply for assistance to the CommandingOfficers.

Fifth. The collectors being authorized, under Sections XXII and XXIII of the present Regulation, to apprehend persons charged with the illicit sale and manufacture of spirituous liquors, and to issue search-warrants with a view to the prevention of illicit manufacture and vend, it shall be the duty of the commanding officers of cantonments to be careful that no obstruction be given by the people subject to their command to the officers of the collectors in the discharge of the said duties; provided however, that the collectors shall apply to the commanding officers for their assistance, in all cases in which no public inconvenience is likely to arise from that measure, and shall uniformly report to them the result of the search.

Two responsible Securities to be given by manufacturers or venders of Spirits, &c.

Or a Deposit made in lieu of the Security.

XXVI. Persons desirous of taking out licenses for the manufacture or sale of spirituous liquors, intoxicating drugs, including opium, taury, or putchwye, shall give the security of two responsible persons for the due performance of their engagements; provided however, that if any such manufacturer or vender shall make a deposit, either in cash or bank notes equal to the amount of the duty payable by him for twenty days, such deposit shall be received in lieu of the security to be otherwise required.

For what period the Licenses to be issued.

XXVII. Licenses for the manufacture and sale of the different articles specified in the preceding section, shall be issued for one year only, or supposing them not to be taken out at the commencement of the year, for the remainder of the Bengal, Fussily, or Willaity year, so that the whole of the licences, in the different districts in which those eras are respectively current, may cease and determine together.

In what case Licenses may be cancelled.

XXVIII. Licences taken out for the manufacture and sale of spirituous liquors, intoxicating drugs, including opium, taury, or putchwye, shall be liable to be cancelled at the discretion of the collector, or other officer invested with the charge of the abkarry mohaul, in case such manufacturer or distiller shall in any case fail to pay

Postponing the annulment of Licenses.

the duty for which he had engaged during a period of fifteen days; provided however, that if the collector or other officer shall have grounds to believe that such failure has arisen from unforeseen circumstances, and not in any design to defraud the public

revenue,

revenue, it shall be competent for him to postpone the annulment of the license during a period of fifteen days more.

Licensed Manufacturers and Venders at liberty to surrender their Licenses, on giving fifteen days previous notice to the Collector, and paying a certain amount.

XXIX. Persons licensed to manufacture or vend spirituous liquors, intoxicating drugs, taury, and putchwye, shall be at liberty to surrender their licenses on giving fifteen days previous notice to the collector, and paying a sum equal to the tax for that period, over and above the amount payable by them in the ordinary course, and under the engagements contracted by them with the collector.

Proprietors of Land and others, how to be prosecuted for conniving at the establishment of Shops for the illicit manufacture and vend of Spirituous Liquors, &c.

XXX. *First.* There being reason to believe that proprietors, farmers, and managers of lands, both paying revenue to Government, and held free of assessment, frequently authorize or connive at the establishment of shops for the illicit manufacture and vend of spirituous liquors and intoxicating drugs; it is hereby enacted, with a view to the suppression of all such illegal and unwarrantable practices, that on all occasions of that nature, it shall be the duty of the collector of the abkarry duties to institute suits, with the sanction of the Board of Revenue or Board of Commissioners, but not otherwise, against persons so offending; and if it shall be proved to the satisfaction of the court before which any such suit may be instituted, that any proprietor, farmer, sezawul, tehsildar, gomashtah, serbarakar, or other manager of land, shall have authorized or connived at the establishment of a shop for the manufacture or sale of spirituous liquors, putchwye, taury, or intoxicating drugs, whether in a dry state, or infused in water or other fluid, the said court shall adjudge the offender to pay such a fine to Government as it may deem proportioned to the offence, due consideration being had to the situation in life and to the pecuniary circumstances of the said offender.

The Suits instituted under this Section, how to be decided.

Second. Suits which may be instituted under this section, shall be decided on a summary inquiry, under the provisions contained in Regulation VII, 1799.

The Abkarry Revenue to be intrusted to the Collectors of the Land Revenue, who shall be entitled to a commission.

Power reserved to the Governor General in Council, to appoint any other person to take charge of the Abkarry Collections.

XXXI. The collectors of the land revenue shall in ordinary cases be intrusted with the management of the abkarry revenue, and shall be entitled to a commission of five per cent. on the net amount realized by them. The Governor General in Council, however, reserves to himself the power of nominating any other public officer, or deputing specially any other covenanted servant of the Honourable Company, to take charge of the abkarry collections in any district in which that measure may appear to him to be necessary; and officers who may be so nominated or deputed, shall be entitled to exercise all the powers and to enjoy the emoluments granted to collectors of the land revenue by this Regulation.

In what cases the Magistrates are to take cognizance of Offences committed by persons to whom the present Regulation refers.

XXXII. Under the foregoing provisions, the powers hitherto vested in the zillah and city magistrates to suppress shops established for the sale of spirituous liquors, are rescinded: It is however of course to be understood, that the magistrates will be still competent to take cognizance of any disorderly conduct, breach of the peace, or other public crime or misdemeanor, committed by any of the persons to whom this Regulation refers. In all cases of that nature, the magistrates are to be guided by the general rules which have been or may be established for the apprehension and punishment of public offenders.

No. 1.

FORM of LICENSE to be granted to Venders established at places situated within the limits prescribed for Sudder Distilleries.

License No. ——— for the Sale of Spirits at ——— during the year ———
F. S. or B. S.

I A. B. collector of ——— Do hereby, under the following Conditions, authorize C. D. to open a shop for the retail of Spirits at ———:

1st. All spirits sold at the said shop, shall be manufactured within the sudder distillery at ———.

2d. The said C. D. shall pay to Government a daily tax of ———, and shall be entitled to pass from the sudder distillery ——— gallons of spirits per diem, during the year ——— B. S. or F. S.

3d. The said C. D. shall be entitled to pass from the sudder distillery such further quantities of spirits as he may require for consumption in his shop, upon payment of a duty of ——— per gallon.

4th. A regular Pass shall be granted by the collector on the first day of every month, to the said C. D. to enable him to pass the prescribed quantity of spirits from the distillery.

5th. Extra Passes shall be granted to C. D. on application, the duty being previously paid.

6th. Any attempt to vend spirits manufactured at any other place than the sudder distillery above described, or to remove spirits from the sudder distillery without a pass, or without payment of the established duty, shall subject the said C. D. to the forfeiture of this License, and to the penalties prescribed by Regulation X, 1813, to be inflicted on unlicensed venders.

Given under my hand and seal,
this ——— day of ——— 181

Registered
No. ——— of ———

A. B. *Collector.*

No. 2.

Bowannypore Shop. } MURKUND SAHA.

Pass ——— gallons of spirits per diem, from the 1st to the 31st of ———181

A. B. *Collector.*

Shop,
No. ———

L. S.

Pass,
No. ———

To be signed by the serishtadar, or head officer of the abkarry mohaul. On the back of this Pass, the Darogah of the sudder distillery shall each day attest the issue of the quantity of spirits specified, and the hour at which it is removed.

No. 3.

EXTRA PASS.

No. ———

Bowannypore Shop. } MURKUND SAHA.
No. ———

Received Sa. Rs. ———

Pass ——— gallons of spirits, this day, the ——— of ——— 181

A. B. *Collector.*

L. S.

To be signed or sealed by the head officer of the Abkarry Department.

No. 4.

FORM of LICENSE to be granted to Persons authorized to manufacture and sell Spirits, at one and the same place, beyond the boundaries prescribed for the Sudder Distilleries.

License No. ——— for the Manufacture and Sale of Spirits at ——— during the year ——— B. S. or F. S.

WHEREAS, by the authority of the Governor General in Council, I A. B. collector of the zillah of ——— authorize C. D. to work a Still for the manufacture of Spirituous Liquors at ——— pergunnah ——— during the year ——— F. S. or B. S. it is required of the said C. D. as a condition of his license remaining in force, that he duly and faithfully perform and abide by the following articles:

1st. That he pay to Government a daily tax of ——— sicca rupees.

2d. That

2d. That he use only one still, and that such still shall not contain more than fifty seers of eighty sicca weight.

3d. That he confine the vend of the produce of his still to one shop, to be attached to the building in which the still is erected.

4th. That he shall not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop, under any pretence whatever.

5th. That he shall not harbour robbers, thieves, or riotous persons, but on the contrary give information to the nearest magistrate, or police officer, of any suspected persons who may resort to his shop.

6th. That he shall not receive any goods or wearing apparel, or property, in barter for liquor.

7th. That he shall not open his shop before sun-rise, nor keep it open after sun-set, and that he shall not harbour any persons in it during the night.

8th. That he shall have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country, to the following effect:

"LICENSED VENDER OF SPIRITS."

Upon any breach of the above Conditions, this License shall be held to be forfeited. All officers of Government are hereby prohibited from imposing or exacting any tax or cess, under any pretence whatever, on the said C. D. on account of the said Still, during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions, and to all other regulations that relate to him.

Given under my hand and seal,
this ——— day of ——— 181

Registered ———
No. ——— of ——— A. B. *Collector.*

No. 5.

FORM of LICENSE to be granted to Persons authorized to manufacture Spirits at one place, and to retail at another, both places being situated beyond the boundaries prescribed for the Sudder Distilleries.

License No. ——— for the Manufacture of Spirits at ——— during the year ———
B. S. or F. S. and for the Retail at ——— for the same period.

WHEREAS, by the authority of the Governor General in Council, I, A. B. collector of the zillah of ———, authorize C. D. to work a Still for the manufacure of Spirituous Liquors at ——— pergunnah ———, and to establish a Shop for retailing the produce thereof at ——— for the year ——— B. S. or F. S.: it is required of the said C. D. as a condition of his license remaining in force, that he duly and faithfully perform and abide by the following articles:

1st. That he pay to Government a daily tax of ——— sicca rupees.

2d. That he use only one still, to be worked at ———, and that such still shall not contain more than fifty seers of eighty sicca weight.

3d. That he confine the vend of the produce of his still to one shop, in the town or village of ———, the particular situation of which will be prescribed to him; and that he shall not permit any spirits which may be manufactured by him, to be sold or disposed of at any other place, without an express license for that purpose.

4th. That he shall not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop, under any pretence whatever.

5th. That he shall not harbour robbers, thieves, or riotous persons, but on the contrary give information to the nearest magistrate, or police officer, of any suspected persons who may resort to his shop.

6th. That he shall not receive any goods, or wearing apparel, or property, in barter for liquor.

7th. That he shall not open his shop before sun-rise, nor keep it open after sun-set, and that he shall not harbour any persons in it during the night.

8th. That he shall have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country, to the following effect:—

"LICENSED VENDER OF SPIRITS."

Upon any breach of the above Conditions, this License shall be held to be forfeited. All officers of Government are hereby prohibited from imposing or exacting any tax

or cess, under any pretence whatever, on the said C. D. on account of the said Still, during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions, and to all other regulations that relate to him.

Given under my hand and seal,

Registered this ——— day of ——— 181

No. ——— of ———. A. B. *Collector.*

No. 6.

FORM of LICENSE to be granted to Persons authorized to vend Taury, Putchwye, and intoxicating Drugs, including Opium.

License No. ——— for the Sale of [Drugs, Taury, or Putchwye] at ——— during the year ——— B. S. or F. S.

WHEREAS, by the authority of the Governor General in Council, I, A. B. collector of the zillah of ———, authorize C. D. to open a Shop for the sale of [drugs, taury or putchwye] in the city [town or village] of ——— in ——— for the year ——— B. S. or F. S.: it is required of him, as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles:—

1st. That he pay to Government a daily tax of ——— sicca rupees.

2dly. That he confine his sale of [taury, drugs or putchwye,] to the shop for which his license is granted, and on no account sell any [drugs, taury or putchwye] without the limits of the above city, [town or village,] or establish a second shop within such limits, without taking out another license for the same.

3dly. That he prevent gaming, and disorder, within his shop.

4thly. That he do not harbour thieves or riotous persons, but on the contrary give information to the nearest magistrate, or police officer, of any suspected persons who may resort to his shop.

5thly. That he do not receive any goods, or wearing apparel, or other property, in barter, for (drugs, taury or putchwye.)

6thly. That he do not open his shop before sun-rise, nor keep it open after sun-set, and that he do not harbour any persons in it during the night.

7thly. That he will have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription to the following effect, in the current language of the country:—

"LICENSED VENDER OF [DRUGS, TAURY, or PUTCHWYE]."

Upon any breach of the above Conditions, this License shall be considered forfeited. All officers of Government are hereby prohibited from imposing or exacting any tax or cess, under any pretence whatever, on the said C. D. on account of the said Shop, during the aforesaid period, beyond the tax required to be levied by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions, and to all other regulations that relate to him.

Given under my hand and seal,

Registered ——— this ——— day of ——— 181

No. ——— of ———: A. B. *Collector.*

A. D. 1813. REGULATION XI.

A REGULATION for modifying some of the Rules before established, respecting the Payment of Pensions, and for preventing the Abuses committed in the Receipt of Pensions:—Passed by the Governor General in Council, on the 28th August 1813; corresponding with the 14th Bhadoon 1220 Bengal era; the 16th Bhadoon 1220 Fussily; the 15th Bhadoon 1220 Willaity; the 2d Bhadoon 1870 Sumbut; and the 1st Ramzaan 1228 Higeree.

Preamble. WHEREAS there are grounds to believe that considerable abuses have been and still are committed in the receipt of Pensions, by which means the Government is annually defrauded of a considerable sum, and individuals derive pecuniary advantages from practices, which in fact merit exemplary punishment: And whereas it

it is on every account essential to restrain and eradicate abuses of the above description; The following Rules have been enacted; to be in force throughout the provinces immediately dependent on the Presidency of Fort William, from and after the 1st October 1813.

II. The payment of pensions generally shall be stopped from and after the 1st of October next, until the individuals by whom they may have been hitherto received, shall prove to the satisfaction of the Board of Revenue or Board of Commissioners, through the medium of the collector of the district in which such individuals reside, that they were the original grantees, and as such adjudged entitled to the pensions hitherto received by them under the general Regulations, or that they have been regularly declared entitled to succeed to the enjoyment of the said pensions: provided however, that this rule shall only be considered applicable to pensions of the description of those specified in Regulation XXIV, 1793; Regulation XXXIV, 1795; Section XXX, Regulation XII, 1805; and Regulation XXIV, 1803; and to pensions granted to natives, lately in the service of Government, for their subsistence, and to such as were heretofore issued from the Judicial and Commercial Departments, but have been lately ordered to be paid by the collectors of the land revenue; and shall not be considered to extend to stipends or pensions payable under existing treaties, or in conformity to arrangements adopted in the Political and Military Departments.

Payment of Pensions in general to be stopped from and after the 1st of October 1813, until due inquiry shall have been made respecting the title of the Pensioners to the receipt of them.

To what description of Pensions the present Rules to be applicable.

To what other Pensions they are not to extend.

III. *First.* It shall be the duty of the collectors, in making the revision above prescribed of the pension list of their respective districts, to prepare an exact register of the individuals who on such revision may be deemed entitled to a continuance of the pensions hitherto received by them, in such form as may be deemed best calculated to identify the different individuals, and according to such instructions as they may receive on this point, for their guidance, from the Board of Revenue and Board of Commissioners respectively.

A Register of Individuals to be prepared by the Collectors.

Second. It shall likewise be the duty of the collectors to correct the said register carefully, as often as any pensions may revert wholly or in part to Government, or whenever other individuals, than those by whom the pensions are at present received, shall be adjudged entitled to the reversion of them.

The Collectors to correct the Register, whenever a Pension may revert to Government, &c.

IV. Pensions exceeding fifty rupees per annum, whether in the lower or western provinces, shall be paid in the mode prescribed by Section XIV, Regulation XXIV, 1793, and Section XIII, Regulation XXIV, 1803. For the accommodation however of individuals, the payment of any authorized pensions will be transferred from one district to another, on the application of the party entitled to receive it, in cases in which no public inconvenience shall appear to attend the adoption of that arrangement.

Pensions exceeding fifty Rupees per annum, to be paid in the mode prescribed by the provisions in Regulations XXIV, 1793, and XXIV. 1803. Authorized Pensions may be transferred from one District to another.

V. *First.* Sections XV and XVI, Regulation XXIV, 1793, and Sections XIV and XV, Regulation XXIV, 1803, are hereby rescinded.

Sections XV and XVI, Regulation XXIV, 1793; and 1803; rescinded.

Sections XIV and XV, Regulation XXIV,

Second. Persons entitled to pensions not exceeding fifty rupees per annum, shall attend once in each year, that is, on the issue of the first quarterly payment at the cutcherries of the collectors, for the purpose of identifying themselves by reference to the registers ordered to be kept by Clause First, Section III, of this Regulation, and by such other inquiries as the collectors may deem it necessary to make, in order to guard against frauds in the payment of such pensions: provided however, that in cases in which the collectors may be satisfied, after making the fullest inquiries possible on the subject, that the pensioners are actually precluded by sickness or infirmity from attending in person, or that they are women, who, according to the usages of the country, do not ordinarily appear in public, the first quarterly payment shall be issued to any person duly authorized to receive the amount on the part of such pensioners.

Persons receiving Pensions not exceeding fifty Rupees per annum, to attend once in each year at the cutcherries of the Collectors, on the issue of the first Quarterly Payment, for the purpose of identifying themselves.

Third. The three remaining quarterly payments shall be made by any officer on the regular establishments, to whom the collectors may think proper to commit the performance of this duty. It shall be the duty of the officer so selected, to repair to the residence of the different pensioners, to ascertain fully whether the recorded pensioners be living; whether the persons claiming the different pensions, be the persons actually authorized to receive them; to issue such pensions only as are indisputably receivable; to refer all questions of doubt to the collector, for his orders; and finally to report the result of the duty entrusted to him.

The three remaining Quarterly Payments of the Pensions may be made by any officer whom the Collector may direct to perform that duty.

VI. With a view to the more effectual discovery and suppression of the abuses which, as noticed in the preamble to this Regulation, have been committed with respect

A Reward equivalent to the amount of any Pension for the period of six months, will be

paid to any person who may prove that the Pension is fraudulently received.

to the pension list, a reward shall be paid equivalent to the amount of any pension for the period of six months, to any person who shall prove through the regular channel, to the satisfaction of the Board of Revenue or Board of Commissioners, that such pension is fraudulently or unduly received by the person enjoying the benefit of it.

A. D. 1813. REGULATION XII.

A REGULATION for modifying some of the Provisions in the Regulations before enacted for the Collection of the Government Customs and Town Duties:—Passed by the Governor General in Council, on the 30th September 1813; corresponding with the 16th Assin 1220 Bengal era; the 20th Assin 1221 Fussily; the 17th Assin 1220 Willaity; the 6th Assin 1870 Sumbut; and the 4th Shawul 1228 Higeree.

Preamble.

WHEREAS it is enacted by Sections III and IV, Regulation XIX, 1812, that the custom houses established at Gazeepore and Mirzapore, shall be subject to the control of the collector of Government customs and town duties at Benares; and it having been judged advisable that the principal custom house in the province of Benares should be established at Mirzapore: And whereas it has likewise been deemed advisable, that a duty should be levied on bullion exported from Calcutta to Europe and America; The following Rules have been enacted; to be in force from the period of their promulgation.

Principal Custom House established at Mirzapore.

II. *First.* The principal custom house for the collection of Government customs and town duties in the province of Benares, shall be in future established at Mirzapore.

A subordinate Custom House established at the city of Benares.

The Deputy Collector of Customs at Benares and Gazeepore, subject to the control of the Collector of Customs at Mirzapore.

Second. A subordinate custom house shall be established for the collection of Government customs and town duties at the city of Benares. The deputy collector of Government customs and town duties at the city of Benares and at Gazeepore, shall be subject to the general control of the collector of customs and town duties at Mirzapore, conformably to the principles on which such control has been hitherto exercised by the collector of customs at Benares, as defined in Regulations IX and X, 1810, and Regulation XIX, 1812.

Duty to be levied on the exportation of Coin or Bullion to Europe or America.

Exception.

III. A duty shall be levied on all coin or bullion exported from Calcutta, Chittagong or Ballasore, either to America or Europe, at the rate of three per cent. if exported on British vessels, and of six per cent. if exported on foreign bottoms: Provided, however, that nothing contained in the present or in any former regulation, shall be construed to authorize the collection of any duty on the exportation of coin or bullion to any other place, excepting Europe and America, as aforesaid.

A. D. 1813. REGULATION XIII.

A REGULATION to provide for the Appointment and Maintenance of Police Chokeydars in the Cities of *Dacca*, *Patna*, and *Moorshedabad*:—Passed by the Governor General in Council, on the 2d October 1813; corresponding with the 18th Assin 1220 Bengal era; the 22d Assin 1221 Fussily; the 19th Assin 1221 Willaity; the 8th Assin 1870 Sumbut; and the 6th Shawul 1228 Higeree.

Preamble.

WHEREAS, with a view to the establishment of an efficient police in the cities of Dacca, Patna, and Moorshedabad, it is expedient to provide for the appointment and maintenance of adequate establishments of Chokeydars in aid of the regular police: And whereas it is just and expedient that the communities for whose benefit and protection such establishments may be entertained, should defray the charge of their maintenance: The following Rules have accordingly been enacted; to be in force in the aforesaid cities, from the date of their promulgation.

Police Chokeydars entertained in the cities of Dacca, Patna, and Moorshedabad, by whom to be appointed and maintained.

II. All chokeydars, whom it may be judged necessary to appoint in aid of the police in the cities of Dacca, Patna, and Moorshedabad, shall hereafter be nominated appointed and maintained by the respective communities for whose benefit and protection such subsidiary police establishments may be required; and which communities are accordingly hereby declared chargeable with the expense of maintaining such chokeydars, subject to the limitations and provisions following:—

III. On

III. On receipt of this Regulation, the magistrates of the aforesaid cities shall cause to be prepared lists of the several mohullahs of those cities in which they may judge the appointment of chokeydars necessary for the purposes specified; and on the completion of such lists, the magistrates shall proceed to cause the appointment, in the manner hereafter directed, of the requisite establishments of chokeydars, not including however any mohullahs in which, either from the poverty of the inhabitants or their scanty population, it may not appear necessary to entertain such establishments.

Lists of Mohullahs of the Cities, to be prepared.

IV. All chokeydars who may be appointed under the provisions of this Regulation, shall be paid in money only, and shall receive a salary, the amount of which shall be determined at the discretion of the magistrate, not being less than three rupees per mensem.

Chokeydars to receive a monthly allowance in money.

V. The number of chokeydars to be appointed in each mohullah of the aforesaid cities, shall likewise be determined at the discretion of the magistrate, with reference to the known or apparent condition of the inhabitants; not however exceeding in any mohullah the average number of two chokeydars to every fifty shops or occupied habitations.

The number of Chokeydars to be appointed, how regulated.

VI. The aggregate sum to be collected monthly from the inhabitants of the several mohullahs, to provide for the payment of their respective chokeydars, shall not exceed the average rate of two annas per mensem from the proprietor, or, in the absence of the proprietor, from the occupier or occupiers of each shop or habitation.

Limitation of the amount to be collected monthly for the payment of Chokeydars.

VII. On completion of the lists specified in Section III, the magistrates of the aforesaid cities shall cause the attendance before them of a convenient number of the principal merchants or other substantial householders of each mohullah, in which the appointment of chokeydars may be deemed requisite, and shall require such persons to nominate, within a period not exceeding fifteen days, some one or more respectable person or persons, being also a substantial householder or householders of such mohullah, for the purpose of carrying into effect the provisions of this Regulation, so far as relates to the nomination, appointment and payment of the chokeydars to be entertained, and to the collection of their monthly stipends; provided however, that the number of persons associated in the execution of the said trust, shall not in any mohullah exceed four.

Persons to be appointed for carrying into effect the Provisions of this Regulation, which relate to the appointment and payment of the Chokeydars.

VIII. It being provided by the Eighth article of the Sunnud annexed to this Regulation, that if any person shall refuse or decline to pay his quota after it shall have become due, such defaulter shall be forwarded under the charge of a chokeydar to the magistrate; it is hereby required, that the magistrate shall examine into the merits of the case, and, having questioned the defaulter and the chokeydar, and made such further inquiry as may appear necessary, shall proceed to pass a decision on the case, and such decision shall be considered final.

Rule of proceeding against an alleged Defaulter.

IX. Should it appear, on the summary investigation directed by the preceding section, that any arrear is due from the alleged defaulter, the magistrate shall issue instructions to the person or persons holding the prescribed sunnud, to levy the same by distress and sale of such part of the defaulter's property as may suffice for the liquidation of the arrear, rendering to the party any overplus arising from the sale, which shall in all cases be as public as practicable, and shall be noticed one day previously by beat of drum in the mohullah: in the event of resistance being opposed to such distress and sale of property, the police darogah of the division shall afford the requisite assistance; but the distress shall invariably be withdrawn and the property restored to the defaulter, should the amount due be paid previously to the sale.

Mode of realizing Arrears due from a Defaulter.

X. As an inducement to persons of respectability to accept the trust vested in them by this Regulation, as well as in order to obviate the public inconvenience that might arise from such persons being unnecessarily summoned to the courts of justice, it is hereby declared, that no person or persons holding a sunnud under the provisions of Section XVI, shall be summoned by the magistrate, respecting any complaint preferred under this Regulation, unless reasonable grounds shall have been shown for believing that such person or persons have abused the powers vested in them by the foregoing provisions.

Holders of Sunnuds not to be summoned unnecessarily.

XI. The city magistrates are hereby authorized to annul any sunnud which may be granted under this Regulation, whenever they shall deem proper, from any inattention, neglect or misconduct of the holder or holders of such sunnuds, and to

Magistrates of the cities empowered to annul any Sunnud under this Regulation.

nominate and appoint any other fit person or persons for the performance of the duties specified therein.

Appointment and maintenance of the Chokeydars; how provided for in default of the inhabitants to nominate and maintain their own Chokeydars.

XII. Should the inhabitants of any mohullah neglect to appoint chokeydars, or fail to nominate a person or persons for the collection and payment of their stipends, as required by this Regulation; or should the persons who may be nominated, object to accept the trust so tendered; the magistrate of the city shall proceed to fix the assessment, and to appoint the requisite number of chokeydars by means of the darogah of the ward, or of the city cotwal, under the rules and limitations specified in Sections IV, V, and VI, and further to cause the amount of their monthly pay to be levied in the manner specified in the Eighth article of the Sunnud; but this discretion shall not be exercised, except in cases of indispensable necessity for the objects in view; and any such interposition of the authority of the magistrate shall be withdrawn, whenever the inhabitants of the mohullah in question shall signify in writing to the magistrate, their wish to appoint and maintain their chokeydars in the manner otherwise provided for by this Regulation.

Persons deeming themselves disproportionably assessed or aggrieved, how to obtain redress.

XIII. Any individual who may consider himself aggrieved by the assessment which may be fixed under the Fifth article of the Sunnud, or who shall be altogether unable to pay the monthly contribution with which he may be assessed, shall be at liberty to appeal to the magistrate, by a petition to be presented upon stampt paper, setting forth the grounds of dissatisfaction or alleged grievance; and on the party making oath to the truth of the circumstances therein stated, the magistrate, after such inquiry as he shall deem necessary, will either amend the rate of assessment, or grant such other relief as may appear just and proper; and the decision of the magistrate on all such petitions shall be final.

Specification of the Duties of Chokeydars appointed under this Regulation.

XIV. It shall be the duty of the chokeydars who may be appointed under this Regulation, constantly to watch over and protect the safety of the persons and property of the inhabitants of their respective mohullahs; to apprehend and immediately to convey to the darogah of the ward, or city cotwal, to whose authority they may be subject, any person who may be taken in the act of committing murder, robbery, house-breaking or theft, or in the actual commission of any serious breach of the peace, or against whom a hue and cry shall have been raised; it shall also be their special duty to convey to the darogah of the ward or cotwal, immediate intelligence of the resort of any receivers of stolen goods, or of any robbers, or other persons of notorious or suspected bad livelihood, within the limits of their respective mohullahs, especially to the shops established for the sale of spirituous liquors; but they shall not on any account interfere in petty assaults, in cases of abuse, adultery, abortion, or in any other cases not cognizable in the first instance by the cotwal or darogah of the ward.

Chokeydars not removable without the sanction of the Magistrate; and how punishable for neglect, misconduct, or other offence.

XV. Chokeydars of police appointed under this Regulation shall not be removed without the sanction of the magistrate; and any chokeydar who may be proved guilty of any neglect or misconduct in the discharge of his duties, or who may be convicted of connivance at the commission of any robbery or other heinous offence, shall be dismissed by the magistrate from his situation, and shall be further punishable, as the law directs.

Sunnuds of appointment to be granted.

XVI. Sunnuds of appointment, bearing the official seal and signature of the magistrate, shall be granted to the persons who may be nominated under the provisions of Section VII of this Regulation, specifying the purposes of their appointment, and the nature and extent of the powers vested in them, according to the tenor and form following:—

Form of Sunnud.

Whereas [name or names] inhabitant or inhabitants of [name of mohullah] of [name of the ward and city] is or are hereby appointed to regulate and superintend the assessment, collection and payment of the monthly wages of the chokeydars entertained for the protection of the inhabitants of the aforesaid [mohullah] subject to the rules, and vested with the following powers, so long as this sunnud shall remain in force:

First. You are hereby vested with the nomination and appointment of all chokeydars, who may be entertained for the protection of the aforesaid mohullah.

Second. On receipt of this sunnud, you are to nominate and appoint chokeydars to every fifty [or greater number to be here specified] shops or occupied habitations contained in the said mohullah, reporting the number and names of the chokeydars so appointed, within the period of one month from the date of the sunnud, to the

darogah

darogah of the ward, or city cotwal, to whose jurisdiction the said mohullah may appertain.

Third. You are to pay each of the said chokeydars a monthly salary of [amount to be here specified;] which amount you are to assess and collect from the inhabitants of the said mohullah, in the manner following:

Fourth. The amount to be collected by you, shall not exceed the average rate of two annas per mensem, from the proprietor of each shop or occupied habitation, or the total sum of six rupees four annas from every fifty shops or occupied houses [if only one chokeydar be employed to fifty houses, the average rate of only one anna per mensem from each house to be specified in lieu of two annas.]

Fifth. You are hereby empowered to regulate and fix, under the preceding rule, in concert with a convenient number of respectable householders of the said mohullah, the amount to be paid monthly by the proprietor or principal occupier of each shop or habitation. You are to determine the rate of assessment as equitably as practicable, with reference to the visible or known circumstances of each shopkeeper or householder; provided that no individual, whatever may be his means or his condition in life, shall be subjected to a higher rate of assessment than four annas per mensem, to supply any deficiency that might arise from the inability of others of the inhabitants to contribute in a due proportion.

Sixth. You are authorized and required at the commencement of each year, in concert with a convenient number of the respectable householders residing in the mohullah, to revise and to modify the rate of assessment in such manner as, either from any visible change in the means of any of the contributors, or from any death, change of residence, or other circumstances, shall appear just or necessary, to provide for the payment of the chokeydars entertained; subject always to the rule and limitation of the amount specified above.

Seventh. The payment of the quota of each individual when fixed, shall be made two months in advance, in order to provide for the regular payment of the chokeydars; and all subsequent collections shall be made at the expiration of each ensuing month.

Eighth. You are authorized to make such collections by means of the said chokeydars; and if any person shall refuse or neglect to pay his quota, after it shall have become due, you are authorized to forward the defaulter to the magistrate, under charge of a chokeydar, accompanied by a statement of the case.

Ninth. You are to pay the fixed monthly wages of the chokeydars from the amount collected for that purpose, and are to take their receipts as vouchers for such payment, forwarding the same monthly to the darogah of the ward, or the city cotwal; and you are to keep an account of your receipts and disbursements, for the satisfaction or occasional inspection of any of the inhabitants of the said mohullah, and of the magistrate.

Tenth. The overplus remaining, after paying the wages of the chokeydars, you are authorized to appropriate to defray the charge of providing paper and other articles necessary for the due discharge of the duties confided to you; but you are required to keep a regular account of such overplus and expenditure, for the occasional inspection of the magistrate.

Eleventh. You are to make known to the darogah of the ward, or the city cotwal, or directly to the magistrate, any incapacity, neglect, or misconduct of any chokeydar entertained within the limits of your mohullah; and on the occurrence of any vacancy, from death, removal, or other cause, you are immediately to nominate and appoint a successor, reporting the name of the person so appointed to the darogah of the ward, or to the cotwal of the city, for the approval of the magistrate.

A.D. 1813. REGULATION XIV.

A REGULATION for abolishing the Duties before established on the Importation of Horses by Sea, or through the District of *Cuttack*:—Passed by the Governor General in Council, on the 6th November 1813; corresponding with the 22d Cartick 1220 Bengal era; the 28th Cartick 1221 Fussily; the 23d Cartick 1221 Willaity; the 13th Cartick 1870 Sumbut; and the 12th Zekaad 1228 Higeree.

Preamble. WHEREAS it is enacted by Sections XIII, XIV, XV and XVI, Regulation I, 1812, and by the provisions contained in Regulation XVII, 1812, that horses and mares imported by sea into the ports of Calcutta, Chittagong and Balasore, or by land into the district of Cuttack, shall be subject to the payment

of duties to Government at certain fixed rates, specified in those regulations: And whereas there are substantial grounds to believe that the objects of political economy proposed to be accomplished by the establishment of those duties, will not be promoted by those means; and also that the imposts in question (which have operated nearly as a prohibition on the importation of horses by sea) have tended materially to injure the export trade of these provinces to the Persian Gulph; The following Rule has been enacted; to be in force immediately from the promulgation of it, throughout the territories immediately dependent on the Presidency of Fort William.

Abolition of Duties on the importation of Horses.

II. Sections XIII, XIV, XV and XVI, Regulation I, 1812, the whole of Regulation XVII, 1812, and generally all provisions which relate to the establishment of duties on horses imported into places immediately dependent on the Presidency of Fort William, are hereby rescinded.

A.D. 1813. REGULATION XV.

A REGULATION for the general Abolition of the Office of Dewaun to the Collectors of the Land Revenue, in the Provinces immediately dependent on the Presidency of *Fort William*:—Passed by the Governor General in Council, on the 13th November 1813, corresponding with the 29th Cartick 1220 Bengal era; the 5th Aughun 1221 Fussily; the 1st Aughun 1221 Willaity; the 6th Aughun 1870 Sumbut; and the 19th Zekaad 1228 Higeree.

Preamble.

WHEREAS, under the existing Regulations, a native officer is appointed in each district, under the official designation of Dewaun, for the performance of certain specified duties, and for the purpose of aiding the collectors generally in the discharge of the public functions of their stations: And whereas considerable inconvenience has been experienced from the existence of that office, in some instances from the abuse of the power and influence possessed by the dewauns, in others from disagreements between the collectors and those native functionaries, and from other causes: And whereas it will conduce to the public interests, that the several branches of the public business in the offices of the collectors, should be conducted by distinct and separate establishments, subject only to the direct and immediate control of the collectors themselves; The following Rule has been enacted; to be in force from and after the 1st January 1814, throughout the territories immediately dependent on the Presidency of Fort William.

The office of Dewaun to the Collectors abolished.

II. The office of dewaun to the collectors of the land revenue shall be abolished from and after the 1st of January 1814. This rule of course supersedes such of the provisions contained in Regulation II, 1793; Regulation V, 1795; Regulation XXV, 1803; and generally in any other regulation as require the appointment of dewauns in the different districts, or define the duties of the dewauns, or relate in any other manner directly or indirectly to those offices.

A. D. 1813. REGULATION XVI.

A REGULATION for rescinding Section X, Regulation XIII, 1806:—Passed by the Governor General in Council, on the 13th November 1813; corresponding with the 29th Cartick 1220 Bengal era; the 5th Aughun 1221 Fussily; the 1st Aughun 1221 Willaity; the 6th Aughun 1870 Sumbut; and the 19th Zekaad 1228 Higeree.

Preamble.

WHEREAS many deeds, instruments and pleadings, have been erroneously executed by the parties, and filed in the courts of judicature on stampt paper not authenticated by the signature of the vender, in the manner required by Section IX, Regulation XIII, 1806, and great public inconvenience is experienced from this omission; To remedy the same, the following Rules have been enacted; to be in force from the promulgation of them throughout the territories immediately dependent on the Presidency of Fort William.

Section X, Regulation XIII, 1806, rescinded.

II. *First.* Section X, Regulation XIII, 1806, is hereby rescinded.

Second. It is hereby further provided, that no deeds, pleadings, petitions, or instruments of what nature soever, which may have been executed or written previously to the date of this Regulation, on stampt paper not authenticated by the signature of the vender, as required by Section IX, Regulation XIII, 1806, shall,

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on account of such omission, be deemed void; but that all the said documents shall be deemed equally valid *ab origine*, as if the same had been executed or written on stampt paper, authenticated by the signature required in the section above mentioned.

A. D. 1813. REGULATION XVII.

A REGULATION for amending the Rules before enacted for the conduct of Inquiries into Charges and Complaints preferred against European public Officers:—Passed by the Governor General in Council, on the 24th December 1813; corresponding with the 11th Poose 1220 Bengal era; the 17th Poose 1221 Fussily; the 12th Poose 1221 Willaity; the 2d Poose 1870 Sumbut; and the 30th Zeheja 1228 Higeree.

Preamble.

WHEREAS Regulations VIII, and X, 1806, contain rules for the conduct of inquiries into charges and complaints of a serious nature which may be preferred against European public officers: And whereas it has been judged advisable to simplify those rules, with a view to the more expeditious termination of investigations of that description, and to other objects connected with the public convenience; The following Rules have been enacted; to be in force from the period of their promulgation, throughout the territories immediately dependent on the Presidency of Fort William.

Parts of Regulations VIII, and X, 1806, rescinded.

II. Sections IV to XIX, Regulation VIII, 1806, and Regulation X, 1806, (excepting such part thereof as relates to the security to be required from persons preferring charges of corruption or extortion against the Hindoo and Mahomedan law officers and ministerial officers of the courts of judicature) are hereby rescinded.

Inquiry into Complaints or charges of corruption, embezzlement, or other gross fraud, breach of trust, or high misdemeanor against a Judicial Officer, to be conducted under the superintendence of the Sudder Dewanny Adawlut.

III. *First.* Whenever a complaint or charge of corruption, viz. of the corrupt demand or receipt of money or other valuable thing, as a gift or present, or of the embezzlement of public stores, or of any fraud or breach of public trust, or other gross misdemeanor, shall be preferred against any European officer attached, or who had been attached to the judicial department; or when any matter of the nature in question, implicating the conduct of a judicial officer, shall appear in the course of any proceeding which may come before the Sudder Dewanny Adawlut, or be specially reported to it by a subordinate court; the inquiry into such charge or complaint shall be conducted according to the following provisions, under the superintendence of the court of Sudder Dewanny Adawlut.

Such inquiry into complaints or charges against a Revenue Officer, to be conducted under the superintendence of the Board of Revenue or Board of Commissioners.

Second. Whenever a charge or complaint of the nature of those described in the preceding clause, shall be preferred against any European officer attached, or who had been attached to the revenue department; or when any matter of the nature in question, implicating the conduct of a revenue officer, shall appear in the course of any proceeding which may come before the Board of Revenue or Board of Commissioners; the inquiry into such charge or complaint shall be conducted under the superintendence of the Board of Revenue or Board of Commissioners, according as the person accused may be or may have been subject to the authority of one or the other of those Boards, when the alleged acts of misconduct were committed.

Such inquiry into complaints or charges against Officers attached to the Commercial, Salt, or Opium Department, to be conducted under the superintendence of the Board of Trade.

Third. Whenever a charge or complaint of the nature of those above-mentioned, shall be preferred against any European officer attached to the commercial, salt, or opium department, or otherwise subject to the authority of the Board of Trade; or whenever any matter of the nature in question, implicating the conduct of any such officer, shall appear in the course of any proceeding which may come before that Board; the inquiry into such charge or complaint shall be conducted under the superintendence of the Board of Trade.

Accusations or Informations against public Officers not to be acted upon, unless given in upon oath, or under a solemn declaration.

IV. *First.* With a view to the protection of the characters of the public officers, it is hereby declared, that no accusation or information, of the nature above described, shall be acted upon, unless the truth of the charge be averred on oath, or under a solemn declaration (if the deponent be of a rank or cast which would render it improper to require his oath) from the deponent's personal knowledge of the facts and circumstances on which the charge is grounded.

Persons preferring Charges to be required to furnish Security to prosecute them to a conclusion.

Second. With a view likewise to the more effectual accomplishment of the purpose stated in the preceding clause, that is, the protection of the characters of the public officers from malicious and calumnious aspersions, it is hereby declared, that it shall be competent to the Sudder Dewanny Adawlut, to the Board of Revenue, the Board

of Commissioners, and the Board of Trade, should they deem it advisable, to require the person, by whom any public accusation or information may be preferred, to furnish such security as may be deemed reasonable, to attend and prosecute the charge to a conclusion; and supposing such security not to have been taken in the first instance, to require it in any subsequent stage of the business, should circumstances appear to render that precaution at any time necessary or proper.

In cases of Charges being preferred direct to the superintending Authorities, previous examination and investigation to be made, whether grounds exist for a regular and formal inquiry.

V. *First.* Whenever any charge or information of the nature above described, shall be preferred direct to the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, or Board of Trade, it shall be the duty of those authorities to examine the complainant or informant circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath; and likewise to make such further general inquiries on the subject, either by a reference to the public records, or by calling on the party accused, for an explanation of the alleged acts of misconduct, or in any other mode which the nature of the case may suggest, as may be sufficient to satisfy their minds whether grounds exist for a regular and formal inquiry into the said charge or information, or otherwise.

Every Court of Civil Judicature receiving such Charges, to examine the Complainant on oath, and transmit such deposition to the proper superintending Authority.

Second. In order at the same time to afford sufficient facilities to persons who may have substantial grounds for complaint against any of the public European officers employed in the judicial, revenue, commercial, salt, and opium departments, to obtain redress of any real grievances, it shall be the duty of every court of civil judicature by which any public charge or information of the nature above described may be received, to examine the complainant or informant circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and to transmit the deposition so taken to the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, or Board of Trade, according as the person accused may be subject to either of those authorities, for their further consideration, and for such further general inquiries as may be judged necessary for the purpose stated in the preceding clause.

Superintending Authorities may dismiss frivolous or vexatious Charges.

Third. Should the Sudder Dewanny Adawlut, the Board of Revenue, or Board of Commissioners, or Board of Trade, according as the case may be brought before either of those authorities, be of opinion that the charge or information is frivolous and vexatious, they shall merely inform the party, that they do not see any substantial reason for entering further into the inquiry.

Superintending Authorities to report to Government every case in which substantial grounds appear to exist for a regular inquiry.

Fourth. Should either of the authorities mentioned in the first part of the preceding clause, be of opinion, after the general inquiries above noticed, that substantial grounds exist for making a regular and formal inquiry into the truth of any public charge or information which may be preferred against any European officer subject to their control, they shall submit the documents on which their opinion may be grounded, together with a clear statement of the charges, reduced to distinct heads or articles, which they would propose to be made the subject of a regular investigation, to the Governor General in Council, for his consideration and orders.

Should the Governor General in Council concur in such opinion, he will appoint Commissioners for making a regular inquiry.

VI. *First.* Should the Governor General in Council, on receipt of the report above described, concur with the authority by which it may be submitted, that a regular investigation should be made into the truth of the charge or information preferred against the person accused, he will appoint a commissioner or commissioners for the performance of that duty, who, previously to entering on the discharge of it, shall take the following oath:—

Oath of Commissioner.

> " I, A. B. appointed a commissioner for making a special inquiry into a certain " charge [*or*, charges] exhibited against C. D. do hereby solemnly swear, that " I will faithfully and impartially perform the duty committed to me, without " fear, favour, or bias, to the best of my ability, knowledge, and judgment. " So help me GOD."

The Commission to be holden at the most convenient place.

Second. The Governor General in Council will at the same time order the commission so appointed, to be holden at such place as may be most convenient and best adapted to the ends of justice.

A general Control over the Proceedings of such Commissions, vested in the proper superintending Authorities.

VII. The Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, and the Board of Trade (according as the person accused may be under one or other of those authorities) are hereby invested with a general control over the proceedings of all commissions constituted under the present Regulation: The commissioners are accordingly to apply to the court of Sudder Dewanny Adawlut, and to those Boards respectively, for any instructions which they may require in the execution

execution of the duty entrusted to them, for which provision may not have been expressly made by the present or any other Regulation; and the Court and Boards above mentioned are empowered to pass such orders on the subject, as may appear to be most consonant to the general principles of equity, and most conducive to the purposes of substantial justice. Provided, however, that if any doubt or difficulty should arise in the conduct of such investigations, for which it may appear to be advisable to make provision by a general regulation, the said Court and Boards shall prepare the necessary draft of a regulation for the purpose, and submit it to the Governor General in Council, for his consideration.

Government will determine whether the Accused shall be suspended, or permitted to draw his established Allowances.

VIII. Whenever a special commission may be appointed under the provisions of this Regulation, for the investigation of charges exhibited against a public officer, the Governor General in Council will determine, on a view of the nature and circumstances of the case, whether the accused shall be suspended from the discharge of the functions of his office, and if so, whether he should be permitted to draw the established allowances of his office, or otherwise.

Government will determine, whether the Prosecution shall be conducted by the Accuser, or otherwise.

IX. Whenever a charge shall be referred for investigation to a special commission, the Governor General in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the Governor General in Council will nominate such person or persons as may be deemed proper, to bring the evidence in due order before the commission, to attend the proceedings, and conduct the prosecution on the behalf of Government.

General duty of the Commissioners on such investigations.

X. It shall be the general duty of commissioners appointed under this Regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser, or the accused, as having knowledge of any facts relative to the charges or defence; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced, or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, on the discovery of the truth or falsehood of the charges, or of any part thereof.

Powers vested in the Commission.

XI. For the discharge of the duties specified in the preceding section, or any other functions which may be delegated to a commission constituted under this Regulation, it shall be vested with the same powers as are exercised by the zillah and city courts; except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through, and executed by, the zillah or city judge, in whose jurisdiction the commission may be held, on the witness, or other person upon whom the process is to be served, may reside.

Accused and Accuser to be at liberty to record observations at the close of the Evidence.

XII. On the close of the evidence in support of the prosecution and in defence of the accused, he shall be at liberty to record any observations upon the result of the inquiry, which he may think necessary for the vindication of his conduct and character. The accuser, or person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution, which he may deem requisite.

Commissioners to transmit Proceedings, and report to the superintending Authorities on the merits of the case.

XIII. When the proceedings of the commission shall have been concluded, or as soon afterwards as circumstances may admit, the commissioner or commissioners shall transmit to the Sudder Dewanny Adawlut, the Board of Revenue, or Board of Commissioners, or the Board of Trade, as the case may be, the whole of the proceedings held, and documents received (accompanied with translations of papers not in the English language) together with a summary of the pleadings and evidence, and his or their opinion on the merits of the case.

Proceedings and Report to be submitted to Government by the superintending Authorities, after such further inquiries as they may deem requisite, with their Opinion thereon.

XIV. The Sudder Dewanny Adawlut, or the Boards to which the case may belong, after duly considering the proceedings and the report transmitted to them under the preceding section, and after calling for any further evidence which may appear to them attainable and requisite, shall submit the whole of the proceedings and documents received by them, to the Governor General in Council, with their opinion, whether any and what facts charged against the party accused appear to have been established.

Government will decide on the case; but such Decision not to preclude persons

XV. The Governor General in Council, on consideration of the report and proceedings submitted to him, in pursuance of the foregoing section, will pass such decision

deeming themselves aggrieved, from seeking redress in the Supreme Court.

on the case, as may appear to him most consonant to the principles of justice and to the constitutional powers possessed by Government in matters of this description; and in the event of his deeming it necessary that the party accused should be brought to trial by a public prosecution in the Supreme Court of Judicature, will issue the necessary instructions for that purpose to the law officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any of the public officers, will be at all times at liberty to seek redress in the Supreme Court, in the mode prescribed by law.

How applications for Reimbursement of Expenses incurred in such cases, are to be preferred and decided upon.

XVI. In cases in which it shall appear on a full investigation of the merits of the case, that the charges or complaints preferred against any of the European officers above mentioned are well founded, the person by whom they may have been preferred shall be at liberty to submit an application to the Sudder Dewanny Adawlut, the Board of Revenue, Board of Commissioners, or Board of Trade, as the case may be, praying a reimbursement of the expense which may have been incurred by him in the conduct of the prosecution; and the authority to whom such petition may be presented, shall forward it to Government, with their opinion as to the propriety of indemnifying the party for the expense so incurred, or otherwise. The Governor General in Council will of course, on receipt of any such reference, consider and determine whether it be advisable to comply with the application in question: But it is to be clearly understood, that Government does not pledge itself to indemnify any person for the expense which may be incurred on occasions of the above nature, whatever may be the result of the investigation, except in cases in which the Governor General in Council, in the exercise of a sound discretion, may deem it proper and expedient to do so.

—(2.)—REGULATION

—(2.)—

REGULATIONS passed by the Government of *Fort St. George*; in the Year 1813.

A. D. 1813. REGULATION I.

A REGULATION for determining the Import and Excise Duties on all Spirituous Liquors manufactured to the Eastward of the Cape of *Good Hope*, which may be imported by sea or land into *Madras*; and for more effectually preventing the clandestine Sale of such Liquors :—Passed by the Governor in Council of Fort St. George on the 27th July 1813; corresponding with the 14th Audee of the year Streemookah 1734th year of Saleewaguna, and with the 28th Rajub 1228 Hejree.

I. WHEREAS it having become necessary to provide for the better security of the Revenue arising from the sale of Spirituous Liquors within the town of Madras, and to assist the operations of police by preventing more effectually the clandestine sale of spirituous liquors manufactured to the eastward of the Cape of Good Hope, which may be imported into Madras; The Governor in Council has enacted the following Rules for determining the import and excise duties to be levied on such liquors, and for regulating the mode under which they shall be supplied to the retail dealers. Preamble.

II. *First.* All spirituous liquors manufactured to the eastward of the Cape of Good Hope shall on importation by sea into Madras, in addition to the general duty of eight per cent, be charged with a particular import duty not exceeding 150 pagodas per leaguer. The actual rate at which this duty shall be collected (provided always that it in no case exceed the amount here mentioned) shall be determined from time to time by the Governor in Council.

A particular Import Duty in addition to the general Duty of 8 per cent, to be levied on all spirituous Liquors manufactured to the Eastward of the Cape of Good Hope, which may be imported by sea into Madras. The rate of such Duty within a certain limit, to be determined from time to time by the Governor in Council.

Second. When the importers of spirituous liquors may require it, the payment of the particular import duty shall be suspended for a period not exceeding six months from the date of importation, provided the importers lodge sufficient security for the payment of the duty at the expiration of that period; and in cases wherein the importers may be unable to lodge such security, the liquor shall remain in deposite during the prescribed period of six months, when it shall be sold, and after deducting the amount of the duty and the charges attending the custody of the liquor, the proceeds paid to the owners.

The Payment of the particular Import Duty may be suspended for a period not exceeding Six Months from the Date of Importation, provided sufficient Security be lodged for the Payment at the end of that period. Where such Security is not lodged, the Liquor shall be kept in deposite, and sold after the expiration of the prescribed period, when, the amount of Duty and Charges being deducted, the Proceeds shall be paid to the Owner.

Third. The owners of liquor kept in deposite under the preceding clause, shall be answerable for all charges incurred for godown hire, cooperage, or on any other account, whether it be ultimately sold or not, also for any wastage that may take place; but they will be allowed access to their property at all reasonable times, and be permitted to take such measures for its security as they may think proper.

The Owners to be answerable for all Charges incurred on account of Liquor kept in deposite, whether ultimately sold or not, as well as for Wastage. But they will be allowed access to their Property at reasonable times, and be permitted to take measures for its Security.

III. The collector of sea customs shall keep a register shewing the date of importation, the proof and quality, also the names of the importers and of the purchasers, of all liquor imported by sea into Madras, and shall levy the duties provided for in Clause First, Section II, of this Regulation.

The Collector of Sea Customs to keep a Register of all Liquor imported, and to levy the Duties provided for in Clause First, Section II.

IV. All liquors intended for the use of His Majesty's Navy, or purchased for, or belonging to, the Honourable Company, shall be allowed to pass free of the particular duty provided for by this Regulation, on the certificate of the proper officer, or the affidavit of the contractors for spirituous liquors, that such liquors are intended

On the Certificate of the proper Officer, or the Affidavit of the Contractor, Liquors intended for the use of His Majesty's Navy, or of the Honourable Company,

shall be exempted from the Payment of the particular Duty.

for the use of the Navy, or of the Honorable Company's troops, and shall not be applied to any other purpose.

On re-exportation by sea or land, a Drawback of the particular Import Duty shall be allowed.

Proviso.

V. *First.* A drawback of the particular import duty, that is to say, of the whole import duty, with the exception of the general import duty of 8 per cent, shall be allowed on the re-exportation of all liquors manufactured to the eastward of the Cape of Good Hope, by sea or land; provided the liquor so re-exported shall be found, on comparison with the register to be kept as prescribed by Section III, to correspond in proof and quality with the entry made at the date of its importation.

The Drawback to be paid by the Collector of Sea Customs.

The claim to the Drawback on re-exportation by land, to be supported by a Certificate from the Land Custom House.

Second. In the case of the re-exportation of spirituous liquors by land, as well as in the case of their re-exportation by sea, the drawback shall be paid by the collector of sea customs: in the former case, the claim to the drawback must be supported by a certificate from the land custom-house, signed by the proper officer.

The Permit of the Collector of Madras must accompany all Liquors removed from the Sea Custom House, or from one Warehouse, Shop, or private Dwelling House to another.

But persons having paid the general and particular Import Duty, may dispose of their Liquor by wholesale, in quantities not less than five leaguers.

VI. No spirituous liquors shall be removed from the sea custom-house to any warehouse, shop or private dwelling, or from one warehouse, shop or private dwelling, to another, without the permit of the collector of Madras, which permit must accompany all liquors removed; but persons having paid the general import duty of 8 per cent, and the further duty provided for in this Regulation, shall be entitled to dispose of it by wholesale, provided the quantity so sold shall in no case be less than five leaguers.

The licensed Retail Dealers shall be supplied with Liquor exclusively by the Collector of Madras.

The price of the Liquor so supplied, to be from time to time determined.

VII. *First.* The licensed retail dealers shall be supplied exclusively by the collector of Madras with the quantity of liquor which they may require, at such price as may be from time to time determined.

In addition to the price of the Liquor, an Excise Duty, not exceeding 1 Pagoda per gallon, shall be paid by the licensed Retail Dealers, and collected by the Collector of Madras.

The rate of such Duty to be determined by the Governor in Council.

Second. In addition to the price or cost of the liquor, an excise duty not exceeding 1 pagoda per gallon shall be paid by the licensed retail dealers, and collected by the collector of Madras (in the manner now in practice) on all spirituous liquors imported from the eastward of the Cape of Good Hope and sold for consumption in Madras. The actual rate at which this tax shall be collected (provided always that it in no case exceed the rate above mentioned) shall be determined from time to time by the Governor in Council.

Penalty of importing, selling, purchasing, removing or re-exporting, or attempting to import, sell, purchase, remove, or re-export Liquor contrary to the Provisions of this Regulation.

VIII. *First.* All persons importing, or selling, or purchasing, or removing, or attempting to import, or sell, or purchase, or remove liquor, contrary to the provisions of this Regulation; as well as all persons who shall attempt to re-export any liquor which, on comparison with the register to be kept as prescribed by Section III of this Regulation, shall be found to be inferior in proof and quality to what it was at the time of importation; shall be liable to the payment of twice the amount of the highest rate of excise duty imposed by Clause Second of the preceding Section; and all liquor so imported, sold, purchased or removed, or re-exported, or attempted to be so imported, sold, purchased, removed or re-exported, together with the cattle and carriages employed in removing it, shall be liable to seizure and confiscation.

Manner in which the amount to be paid, and the proceeds of Liquor confiscated under the foregoing Clause, shall be appropriated.

Second. The amount to be paid under the preceding Clause by persons detected in the illicit importation, sale, purchase, removal, or re-exportation of spirituous liquors, together with the proceeds of the property confiscated, shall, after deducting an amount equal to the excise duty payable on the liquor, be divided among the officers of revenue, the informers and persons making the seizure, in such proportions as may be determined by the Board of Revenue.

All spirituous Liquors of foreign or home manufacture imported by land into Madras, liable to the payment at the Land Custom House of the general and the particular Duty, and to all the Rules and Regulations herein provided for Liquors imported by sea.

IX. All spirituous liquors, whether of foreign or home manufacture, imported by land into Madras, shall be liable to the payment, at the land custom-house, of the general duty of eight per cent, and to the farther duties herein provided for, as well as to all the rules and regulations to which spirituous liquors imported by sea are herein declared to be subject.

Country or Puttah Arrack manufactured at Madras, shall be liable to the same Excise Duty as that which may be made payable on spirituous Liquors manufactured to the Eastward

X. At whatever rate the Governor in Council shall, under Clause Second, Section VII, of this Regulation, direct the excise duty to be collected on spirituous liquors manufactured to the eastward of the Cape of Good Hope, a duty of the same rate shall be collected on arrack manufactured at Madras, usually known by the name of country or puttah arrack.—The Governor in Council, however, reserves to himself the power of prohibiting altogether the distillation of country or puttah arrack, at such

time

time and within such distance of the town and dependencies of Madras, as to him may appear expedient.

of the Cape of Good Hope. The power of prohibiting or suspending the Distillation of country Arrack at Madras and its Dependencies, vested in the Governor in Council.

XI. This Regulation shall take effect from the 1st of January 1814.

A. D. 1813. REGULATION II.

A REGULATION providing for the use of Stampt Cadjans in common with Stampt Paper, for the legal Instruments described in Sections IX, X, and XI, Regulation VIII, 1808; establishing Stamp Duties on all Petitions addressed to the Governor in Council, and to the Boards of Revenue and Trade; requiring Licenses for the retail sale of Tobacco in the provinces of *Malabar*, *Canara*, and *Coimbatore*, to be written on Stampt Paper; and modifying certain parts of the existing Regulations respecting the Duties leviable by means of Stampt Paper:—Passed by the Governor in Council, on the 9th of November 1813; corresponding with the 26th Arpesee of the year Streemookah 1734th of Saleewaguna, and with the 15th Zekoydah 1228 Hijree.

Preamble.

WHEREAS it has been considered that the optional use of Stampt Cadjans in common with Stampt Paper, for the legal instruments described in Sections IX, X, and XI, Regulation VIII, of 1808, would contribute as well to the convenience of individuals as to the increase of the public revenue: And whereas it has been deemed expedient to establish stamp duties on all petitions addressed to the Governor in Council, and to the Boards of Revenue and Trade; to alter the present rates of duty on abkarry licenses; to require licenses, for the retail sale of tobacco in the provinces of Malabar, Canara, and Coimbatore, to be written on stampt paper; to subject rowannahs, for goods not exceeding ten rupees in value, to the payment of a duty; to obviate the delay and inconvenience arising from the operation of the rule contained in section XIV, Regulation VIII, of 1808; and to modify other parts of the existing Regulations respecting the duties leviable by means of stampt paper; The following Rules have been enacted by the Governor in Council.

Purposes for which Stampt Cadjans may be used in common with Stampt Papers.

II. *First.* Stampt Cadjans shall be optionally used, in common with the prescribed Stampt Paper, for the various purposes specified in Sections IX, X, and XI, Regulation VIII, A. D. 1808; that is to say, for writing original obligations for the payment of money, whether bonds, promissory notes, drafts, bills of exchange, or of any other denomination whatever; for all acknowledgements for the receipt of money, and for all original deeds for the sale, gift, devise, or other transfer of property, real or personal; for all deeds of mortgage, assignment, or release, and all other deeds of contract and agreement, as well as all other legal instruments.

The same Rules and Restrictions applicable to the use of Stampt Cadjans as to the use of the corresponding Stampt Papers.

Second. The rules and restrictions regarding the use of the Stampt Papers required to be used by Sections IX, X, and XI, Regulation VIII, A. D. 1808, shall be applied to the use of the Stampt Cadjans which correspond to those papers, with such exceptions only as are prescribed in the subsequent part of this Regulation.

Each Stampt Cadjan to be charged with the same Duty as the corresponding Stampt Paper.

III. *First.* Each stampt cadjan shall be charged with the same duty as the stampt paper to which it is intended to correspond.

The Sizes of the Cadjans to be determined by Government, on the recommendation of the Board of Revenue.

Second. The sizes of the several stampt cadjans to be used in common with the several stampt papers, shall be such as the Governor in Council, on the recommendation of the Board of Revenue, may determine.

Stampt Cadjans may be written on both sides.

No Restriction as to the Size of the Writing or Space between the Lines. The Cadjans will be made large enough. To be applied only to the purposes described in Section II.

Third. The stampt cadjans may be written on both sides, if necessary; no restriction is imposed with regard to the size of the writing or the space between the lines; and care will be taken that they are of sufficient size to contain the several legal instruments for which they are authorized to be used, drawn out in the usual form: they shall not, however, be applied to any other purposes than those described in Section II of this Regulation.

Situation and Inscription of the Stamp on Cadjans.

IV. *First.* One stamp, denoting the value and denomination of each cadjan, shall be affixed at the left extremity of its face, and another stamp, bearing the word "Treasury," at the right extremity of its reverse.

Second. The stamp denoting the value and denomination of the cadjan shall bear an inscription to the following effect, in the Persian, Telugu and Tamul languages and characters, "Stampt Cadjans."

Stampt Cadjans to be furnished by the Superintendent of Stamps in the same manner as stampt Paper.

V. Stampt cadjans, in the same manner as stampt paper, shall be furnished on indent, by the superintendent of stamps, to the collectors and other officers authorized to make such indents.

Stampt Cadjans to be signed by Natives.

VI. The stampt cadjans shall not bear the official signature of the superintendent of stamps; but, previously to being issued from the stamp office, shall be signed by a native register, to be appointed for this purpose by the superintendent. Stampt cadjans shall be disposed of by native agents to be appointed by the collectors, as directed in Section XIX, Regulation VIII, 1808; and all stampt cadjans, when sold, shall be attested by the native officer authorized to dispose thereof, in the manner directed in Section XXI of that Regulation.

Penalty for forging or knowingly using or possessing forged stampt Cadjans.

VII. Persons charged with forging or knowingly using or having in their possession forged stampt cadjans, shall be proceeded against in the same manner, and shall, on conviction, be liable to the same pains and penalties, as persons charged with and convicted of forging or knowingly using or having in their possession forged stampt paper.

Mode in which the Treasury Stamp is to be affixed to all stampt Paper or Cadjans, previously to the issue thereof by the Superintendent.

VIII. *First.* All paper or cadjans which may be stamped by the superintendent, to be furnished to the courts, boards or officers authorized to apply for it, shall, previously to being issued by the superintendent, be sent by him to the sub-treasurer, who shall affix a stamp bearing the inscription specified in Section IX, Regulation IV, of 1808, to each roll or sheet of paper, as contiguous to the stamp of the stamp office as may be practicable or convenient, and to each cadjan in the situation last specified in Clause First, Section IV, of this Regulation.

Paper or Cadjans sent by the Superintendent to the Treasury, to be accompanied by a Letter specifying the Number of Pieces to which each description of Stamp is affixed.

Second. All stampt paper or cadjans sent to the treasury to have the treasury stamp affixed thereto, shall be accompanied by a letter from the superintendent, under his official signature, specifying the date on which it may be written, and the number of rolls or sheets, or cadjans of the prescribed size and description, bearing the different stamps to which the treasury stamp is required to be affixed. The sub-treasurer shall superscribe the letter so received by him with his official signature, and shall deposit it in his office, as a voucher to check the accounts of the superintendent.

Persons executing a Deed on Paper or Cadjan not bearing the prescribed Stamp, liable to Penalty, as well as the Holder of it.

IX. Any person who, after the 1st of May 1814, shall write, sign or otherwise execute, or cause to be written, signed or otherwise executed, any obligation for the payment of money, or acknowledgment for the receipt of money, or any deed or legal instrument of whatever denomination required to be written upon stampt paper, upon any other paper or cadjan than the stampt paper or cadjan prescribed for such obligation, receipt, deed or instrument, shall, whenever the fraud may be discovered, be liable to a fine to Government equal to ten times the prescribed stampt duty, exclusive of the penalty to be paid by the possessor of the instrument. Such fine, together with all costs of suit, shall be recoverable by a summary process in the Zilla Courts of Adawlut, at the suit of the collector, to be conducted by the vakeel of Government; and if any information shall have been given to the collector, whereby the fraud may have been discovered, a moiety of the fine recovered shall be given to the informer. The judge of the court in which the suit may be instituted is authorized, however, to remit or reduce the fine, whenever it may clearly appear that the omission to use the prescribed stampt paper proceeded from ignorance, or that there was otherwise no intention to evade the prescribed duty.

Mode of recovering Penalty.

Moiety to be given to Informer.

In what cases the Judge of the Court may remit or reduce the Penalty.

Evasions by executing two or more Acknowledgments, &c. &c. to bring the amount within the exemption of small sums, punishable by Fine under the preceding Section.

X. Any evasion of the stamp duty upon obligations for the payment of money, or acknowledgments for the receipt of money, by executing two or more acknowledgments at the same time, for portions of any payment or receipt, with a view to bring the total amount within the exemption of small sums contained in Sections IX and X, Regulation VIII, 1808, shall be punishable by fine in the Zilla Courts of Adawlut, under the provision contained in the preceding Section; the whole of which is to be considered applicable to any similar fraudulent evasions of any parts of the stamp duties which may not be otherwise provided for, as well as to frauds of the above description.

Stampt Paper or Cadjans to be provided, as agreed upon by the Parties.

XI. It is left to the parties, in all pecuniary or other transactions wherein the use of stampt paper is prescribed, to agree between themselves by whom the stampt paper or cadjan required shall be provided.

Petitions to the Governor in Council and the Boards of Revenue and Trade, to be written on Stampt Paper.

XII. *First.* All petitions addressed to the Governor in Council, or to the Board of Revenue or Board of Trade, shall be written on stampt paper, bearing the duty fixed by the following clause.

Second.

Second. The stamp to be used for the rolls or sheets, shall have an inscription to the following effect, in the Persian, Telugu and Tamul languages and characters:

" Miscellaneous Petitions"—Two Annas.

Inscription of the Stamp.

Third. The size and description of paper on which the petitions referred to in clause first of this Section are to be written, shall be such as the Governor in Council, on the recommendation of the Board of Revenue, may determine.

The size and description of paper for Petitions to be determined by Government, on the recommendation of the Board of Revenue.

Fourth. The several collectors, and the secretaries to the Boards of Revenue and Trade respectively, shall apply to the superintendent of stamps for the paper which may be required under this Section, and shall dispose of the same under the provisions contained in Clauses Third and Fourth, Section IV, Regulation IV, A. D. 1808.

Manner in which Stampt Papers for Petitions shall be applied for and disposed of.

Fifth. No petition which may be written on any other than the prescribed stampt paper, will be hereafter received by the Governor in Council, or by the Board of Revenue or Board of Trade: But in cases where persons desirous of presenting petitions to the Governor in Council, or to the Board of Revenue, or Board of Trade, shall declare on oath and prove their inability to pay the prescribed stamp duty, the officers charged with the sale of the paper shall, at their discretion, grant the paper free of duty: Officers charged with the sale of stampt paper shall not, however, in the exercise of the discretion vested in them, admit the plea of poverty without satisfactory evidence, in addition to the oath of the party, of his or her inability to pay the stamp duty.

Petitions written on other than Stampt Paper, not to be received.

Restrictions under which Stampt Paper is to be granted to Paupers free of Duty.

XIII. Section V, Regulation VIII, A. D. 1808, is rescinded; and in lieu of the stamp duty on abkary licenses therein prescribed, the duty shall be levied according to the rates hereunder mentioned, in proportion to the amount of the annual rent payable by the renters of the abkary of the several zemindaries or divisions, conformably with the existing system of rent, as described in Section IV, Regulation I, 1808:

Section V, Regulation VIII, A. D. 1808, rescinded.

Rates of Stamp Duty to be levied on Abkary Licenses.

On a rent of rupees	500 or under	- - - - -	5 rupees.
D°	of rupees 1,000 & above	500 - - -	10 —
D°	of rupees 2,000 & above	1,000 - - -	20 —
D°	of rupees 3,000 & above	2,000 - - -	30 —
D°	of rupees 4,000 & above	3,000 - - -	40 —
D°	of rupees 5,000 & upwards	- - - -	50 —

XIV. *First.* All licenses for the retail sale of tobacco which may hereafter be granted in the provinces of Malabar, Canara and Coimbatore, shall be written on stampt paper; and the stamps to be affixed to the licenses shall bear an inscription to the following effect, in the Persian, Telugu and Tamul languages and characters:

Licenses for the retail sale of Tobacco in Malabar, Canara and Coimbatore, to be written on Stampt Paper.

" Tobacco Licenses"	One Rupee.
or	Eight Annas.
or	Four Annas.
or	Two Annas.

Inscription on the Stamps.

Second. The highest rate of stamp duty prescribed in the preceding clause shall be paid by the shopkeepers whose average annual sales amount to 15 maunds or upwards; and the three lower rates, by those whose average sales shall respectively not exceed 9 maunds, 3 maunds, and 1 maund.

Rates at which Tobacco Licenses shall be charged.

XV. *First.* Section III, Regulation VIII, A. D. 1808, is hereby rescinded; and from and after the promulgation of this Regulation, rowannahs, for goods not exceeding ten rupees in value, shall be charged with a duty of one anna.

Section III, Regulation VIII, A. D. 1808, rescinded.

Rowannahs for goods under the value of ten Rupees, to be charged with a Stamp Duty of one Anna.

Second. The stamps on the paper on which rowannahs for goods not exceeding ten rupees in value shall be written, shall be inscribed with the words " Customs, one Anna," in the Persian, Telugu and Tamul languages and characters.

Inscription on the Stamp to be used for these Rowannahs.

XVI. *First.* Such parts of Sections XIV and XXII, Regulation VIII, 1808, as require stampt papers to be indorsed with the written official signature of the superintendent of stamps, or other authorized officer under him, are hereby rescinded; and collectors, their assistants, or other European officers authorized to dispose of stampt paper, previously to issuing such paper to their native agents for sale, or to disposing of it themselves, shall indorse their official signatures in writing upon each paper: And, with the exception mentioned in the following clause, the courts of judicature shall not admit or file any stampt paper, unless it be authenticated in the manner herein provided.

Stampt Papers to be signed by Collectors, and not by the Superintendent.

All Stampt Paper bearing ſuch Signature which may be in ſtore, is to be admitted and filed in the Courts of Judicature.

Second. All stampt paper, which may have been issued, or which may still remain in store, bearing the signature of the superintendent of stamps, or other authorized officer acting under him, according to the Rules established by the said Sections of Regulation VIII, 1808, shall be admitted and filed in the courts of judicature in the same manner as heretofore.

Application of the Collectors to the Courts of Judicature for the confinement or apprehenſion of Defaulters, &c. to be written upon plain paper.

XVII. The Rules contained in Section III, Regulation IV, 1808, are hereby declared not to be applicable to cases of applications made by the collectors to the courts of judicature under Clause First, Section XIII, Regulation XXVII, 1802; and the judges shall, in future, receive all applications of the collectors, either for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue, written upon common paper without a stamp: Provided, however, that this Rule shall not be considered applicable to any regular suits in which the collectors may be engaged, as plaintiffs or defendants, either on their own account as individuals, or on the part of Government.

—(3.)—

REGULATIONS passed by the Government of *Bombay*; in the Year 1813.

RULE ORDINANCE AND REGULATION I. 1813.

A RULE ORDINANCE and REGULATION for compelling those who are able to support their Infant Relations, and for subjecting the numerous Aliens who pass over to the Island of *Bombay* from the *Marhatta* Territories, to certain Restrictions:—Passed by the Right Honourable the Governor in Council of *Bombay* under date the 5th of May 1813, and registered in the Honourable the Court of the Recorder under date the 20th day of June following.

Preamble. WHEREAS by a Statute passed in the forty-seventh year of His present Majesty King George the Third, intituled "An Act for the better government "of the Settlements of Fort Saint George and Bombay," it is enacted, that it shall be lawful for the Governor in Council to make and issue Rules for the good order and government of this Island, subject to the previous condition of being duly registered and published in the Court of the Recorder of Bombay, and to such other conditions as are imposed by the Statutes of the thirteenth, thirty-ninth and fortieth of His present Majesty, upon the exercise of a like power at Fort William in Bengal by the Governor General in Council: And whereas it is necessary for the sake of humanity, that means should be adopted for preventing Parents and others from deserting their Children or other connections dependent on them for support: And whereas it is expedient for the good order and civil government of this Island, that the numerous Aliens resorting thereto should be placed under certain restrictions;

Be it therefore ordained by the authority of the Honourable the Governor in Council now assembled, and in virtue of the power by the said Statute conferred, that, from and after the due registry and publication of this Rule Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rule and Ordinance, consisting of the Titles and Articles hereinafter stated, shall have the full force of Law within this Island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

TITLE FIRST.

Compelling Parents and others to maintain their Families.

ARTICLE FIRST.

Parents and others to maintain their Families if able, at Rates to be fixed by the Petty Sessions. That the Father, Grandfather, Mother and Children, of impotent poor in the town and factory of Bombay, being of sufficient ability, shall relieve and maintain them according to such rate and in such manner as by the justices of the said town and factory of Bombay, at their petty sessions, shall be assessed and directed.

ARTICLE SECOND.

Punishment on Failure. For the punishment of those who, being able to labour, yet run away from or leave their families without any provision, when the same is proved by a sufficient witness or witnesses on oath, before one or more justices of the peace, the persons so offending shall by the said justices be sent to the common gaol, unless he find adequate security to be approved of by the said justice or justices, there to be detained till the next petty sessions of the peace, where the magistrate shall have power, on examination of the circumstances of the case, to punish the offender by fine not exceeding two hundred rupees, imprisonment in the common gaol for not less than one or more than six months, there to be kept at hard labour, or with whipping, in such manner and at such times as they shall direct.

ARTICLE THIRD.

Measures to be adopted by the Justices for the Subsistence of deserted Families.

For maintaining families who may be deserted, any two justices of the peace may, on complaint of any wife, or child or children, that they are left without support, by their warrant empower the sheriff to seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother, as such two justices shall order, or may fine them respectively to such extent as they may think reasonable for or towards the bringing up and providing for the same; which warrant being confirmed at the next petty sessions, they the justices of such petty sessions may make an order for the sheriff to dispose of such goods and chattels, by sale or otherwise, or so much of them for the purposes aforesaid, as the court shall think fit; and to receive the rents and profits, or so much of them as shall be ordered by the sessions as aforesaid, of his or her lands and tenements, and to pay the same to the justices issuing the said warrant, who shall pay the same from time to time to the muccadum of the cast, to which the said wife, child or children shall belong, or to such other person as the said magistrate shall deem proper to be entrusted therewith, to be applied by him in their support, the muccadum, or such other person, being responsible to the said justices for the due application thereof.

ARTICLE FOURTH.

Persons charged with being the Father of Bastard Children, and of refusing to support the same, to be committed to Prison.

If any single woman shall be delivered of a bastard child, and shall, on an examination to be taken in writing before any one or more of the said justices of Bombay, charge any person with being the father of such child, and shall charge such person with refusing and neglecting to support the same, it shall and may be lawful for such justice or justices, on an application made by her or on her behalf, to issue out his or their warrant or warrants for the immediate apprehension of such person so charged as aforesaid, and for bringing him before such justice or justices; and the justice or justices before whom such person is brought, is and are hereby authorized to commit such person to the common gaol of Bombay, unless he shall give security for the support of such child, or shall enter into a recognizance with sufficient security to appear at the petty sessions to be then next held in Bombay, to abide and perform such orders as shall there be made.

ARTICLE FIFTH.

Provision to be made by the Father for the Support of the Child, at the Discretion of the Petty Sessions.

If the said justices at their petty sessions shall adjudge a person to be the reputed father of an illegitimate child, they shall order him to make such provision for the support of the same, either by a weekly allowance, or a sum in gross, as to them shall seem meet; and further to direct, that the muccadum of the cast to which such woman belongs, or such other person as may be approved of by them, shall have power to interfere, and to compel the mother, or the person having care of the child, to apply the allowance in support of such child.

TITLE ALIENS.

ARTICLE FIRST.

Aliens to register their Names on their arrival.

That Aliens shall within four days after their arrival on this island, register their names and the employments which they mean to follow, with the muccadum of their cast; and in case it shall be proved on oath to any one of the justices of Bombay, that any alien has not complied with this order, such justice shall have power to compel him forthwith to enrol his name and employment in the manner aforesaid, with the muccadum of his cast, and to bind him over to appear at the next petty sessions; and in case it shall be proved before the magistrate in petty sessions, that the said alien shall not assign a satisfactory cause for having failed in the first instance to enter his name with the muccadum as aforesaid, then the said magistrates in petty sessions shall have power to fine him to an extent not exceeding one hundred rupees; and in case he shall refuse to pay such fine, that they may in their discretion, forthwith, by a warrant under their hands and seals, send him off the island.

Fine to be levied on Failure, and eventual Banishment from the Island.

ARTICLE SECOND.

Idle Aliens to be confined in the Gaol.

When an Alien shall go about from door to door, or place himself or herself in streets, highways or passages, to beg alms in such places; or if it is proved that such alien live idle without employment, and refuse to work in the employment which he professed to follow in the entry so directed as aforesaid to be made with the muccadum

dum of his cast; it shall be lawful for any justices before whom such complaint shall be made on oath, to commit such offender to the common gaol of Bombay, to be detained till the next petty sessions of the peace; and if the justices at such sessions shall, on examination of the circumstances of the case, adjudge such alien to be guilty of the offences aforesaid, they shall order him to be imprisoned for not more than six months or less than one, and kept to hard labour during such imprisonment, and during his confinement, at the discretion of the magistrate, to be once whipped in such manner as they shall think fit; and if such alien, so ordered by the said sessions to be imprisoned, shall offend again, he shall on proof thereof, and on the production of the record of his former conviction, be sent off the island by the authority aforesaid. Punishment.

ARTICLE THIRD.

Whenever an alien shall be sent off the island, notice thereof shall be sent to the muccadum of his cast, together with a description of his person, to prevent as much as possible his returning again. Notice of Aliens sent off the Island, to be sent to the Muccadum of the Casts to which such Persons belong.

ARTICLE FOURTH.

Provided always, that if any person or persons shall find him her or themselves aggrieved by any determination which the said justices of the peace shall make in their general or petty sessions, in any of the cases aforesaid, the said person or persons shall have liberty to appeal to the next general quarter sessions of the peace to be held for the town and island of Bombay, who, upon full hearing of the said appeal, shall have full power finally to determine the same. Appeal from the Decision of the Petty Sessions, to be made to the Quarter Sessions.

RULE ORDINANCE AND REGULATION II. 1813.

A RULE ORDINANCE and REGULATION to diminish the number of Pariar Dogs, having no Owners, on the Island of *Bombay*; and to authorize the Erection of public Pounds for Animals straying or trespassing on the public Streets or Roads of the Island, or on the Grounds of the Inhabitants thereof:—Passed by the Right Honourable the Governor in Council, on the 8th day of September 1813, and registered in the Honourable the Court of the Recorder on the 21st day of March 1814.

WHEREAS serious evils and inconveniences have arisen from the great number of Dogs now on this Island, the greater part of which, having no owners, are allowed to infest the streets and roads at all times and seasons, often to the great risk of the lives of the inhabitants: And whereas much cause of complaint has arisen from the number of bulls, oxen, cows, buffaloes, camels, horses, asses, goats, sheep, hogs, and other cattle and animals, which wander about the public streets and roads of the Island, to the great annoyance and danger of passengers, and trespass on the gardens and grounds of the inhabitants; Be it therefore ordained, by the authority of the Right Honourable the Governor in Council now assembled, that from and after the due registry and publication of this Rule Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rule and Ordinance, consisting of the Articles hereinafter stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same. Preamble.

ARTICLE I.

It shall be lawful for any person, during the months of April and May, and September and October, yearly, to kill and destroy all and every dog or dogs found or being on any of the public streets or roads of the Island, or without the enclosure of the house of the owner of such dog or dogs; and the magistrates of police are hereby severally empowered and strictly commanded to issue orders to all Sepoys or others acting under the police, or to any other persons to be employed occasionally for that special purpose, to kill and destroy all dogs so found straying between the 15th of April and 15th of May and the 15th of September and 15th of October in each year, as aforesaid. Dogs found on public Streets or Roads, or without the enclosure of the house of the Owner, to be killed. Period fixed for their being killed.

ARTICLE II.

His Majesty's justices of the peace at their quarter sessions, or failing them the magistrates of police, are hereby empowered to fix, from time to time, as circumstances Reward for their Destruction to be offered by the Justices of the Peace and Police Magistrates.

stances may require, a fee, not exceeding half a rupee, to be paid as a reward for each dog so killed, during the months of April and May and September and October in each year, to the person killing it, on such person producing the dog so killed, or such other proof as may be pointed out by His Majesty's justices as aforesaid, or the magistrates of police, by any general notice or intimation; which fee shall be paid out of the police fund, on the order of either of the magistrates of police.

ARTICLE III.

Dogs having no Owners, to be killed. Reward.

His Majesty's justices at their quarter sessions, or the magistrates of police, are also hereby authorized at any time to issue orders for killing all dogs that have no owners; and the persons killing them shall be entitled to such reward, and payable in such manner, as in the case above mentioned.

ARTICLE IV.

Cattle straying upon public Streets, Roads, &c. to be seized, and sent to the Public Pound.

And it is hereby further ordained, that all bulls, oxen, cows, buffaloes, camels, horses, goats, sheep, hogs, or other cattle or animals, found straying upon the public streets or roads of this Island, or trespassing on the ground or property of any of the inhabitants thereof; or any horses or tattoos found straying on the esplanade; shall be liable to be seized, and sent to the public pound.

ARTICLE V.

As well other Animals.

All cattle or other animals found straying or trespassing as aforesaid within the Fort of Bombay, or within the district generally included in Bombay, extending from Colabah on the one side to the Breach and Chinchpogly on the other, shall be sent to the public pound on the esplanade; and all such as are seized in the district of Mahim, including Warly, Sewri and Chinchpogly, shall be sent to the public pound at Mahim.

ARTICLE VI.

Expense of their Maintenance to be paid by the Owners; from whom Fees are also to be collected to a certain extent.

That for each bull, ox, cow, buffalo, camel, horse, tattoo or ass, so seized, a fee of one rupee and a quarter, and for each goat, sheep or hog, a fee of half a rupee, over and above the expense of feeding the same, shall be paid by the owner of such animal, before the same is given back to such owner; and which said fee shall be liable to such appropriation as the Right Honourable the Governor, in Council shall direct.

ARTICLE VII.

Owners of Cattle and other Animals, trespassing or causing damages, to be prosecuted before a Justice of the Peace.

That when any bull or cow, buffalo, camel, horse, ass, goat, sheep, hog, or other animal, shall have trespassed or done damage in the garden or grounds of any person or persons, it shall be competent for any one of His Majesty's justices to entertain a complaint, if any such be made by the injured party within seven days, against the owner or owners of such animals so having trespassed on or done mischief to the ground or premises of him her or them so complaining, and such magistrate is hereby empowered to award such damages to the said complainant as he may think reasonable: And in case the owner or owners of such animal or animals so trespassing as aforesaid, shall refuse or omit to pay, within two days, the amount of such damages, to the person or persons awarded to receive the same, then and in such case it shall be competent for the said magistrate, by warrant under his hand and seal, and which said warrant he is hereby empowered to issue to any person or persons he may think proper, to seize and openly sell, in some public spot on the island, so much property belonging to the person so refusing and omiting to pay the fine so imposed upon him or her as aforesaid, as shall be equal to pay the amount thereof, together with every reasonable expense attending the sale of such property so seized upon: But be it however provided, that no such warrant shall in any case be issued by such magistrate before seven whole days shall have elapsed after such award as aforesaid shall have been made by him; in order that the party, if any, considering him or herself aggrieved thereby, may have the opportunity, if so disposed, of appealing to the court of petty sessions (in case such appeal be preferred in writing to the said court, within the seven days hereinbefore last mentioned) and provided a copy of such appeal or petition be left with the said magistrate, who, after duly receiving the same, shall thereupon desist from issuing such warrant. And be it further ordained, that if in those cases where such warrant shall be issued by such single magistrate, property belonging to such offenders hereinbefore mentioned, sufficient to make good the fine or penalty imposed on him her or them, be not found, such offender or offenders shall be committed to gaol, and kept to hard labour, at the discretion of the

Damages how to be recovered, in failure of payment within a limited time.

Appeal against the Magistrates decision, to lie to the Court of Petty Sessions.

said

said magistrate, for a period not exceeding two months. And be it also ordained, that in such cases where such appeal as aforesaid shall be made within the time before specified, the said court of petty sessions are hereby authorized to entertain the same, and to do justice between the parties, either by dismissing the complaint, or imposing on the offending party a fine not exceeding one hundred rupees, which fine is to be considered as in the nature of damages, and to be given to the party or parties complaining, in such shares or proportions as the said court may in its discretion deem meet.

ARTICLE VIII.

Unclaimed Cattle, &c. within a certain period to be sold; and the Proceeds, after deducting Charges, to be paid to the Owners, if they appear within a limited time.

And further, if any bull, ox, cow, buffalo, camel, horse, ass, goat, sheep or hog, seized and impounded under and by virtue of this rule ordinance and regulation, shall remain unclaimed for the space of fifteen days, or if any of the said animals shall be claimed, but the aforesaid fee remain unpaid for fifteen days after the animals shall have been brought into the public pound, that then and in either case such animals shall be sold on a Saturday at four o'clock in the afternoon on the esplanade near the large tank at the Bazar Gate, if such animal be in the pound on the esplanade, or on the same day and hour in the public bazar of Mahim, if such animal be in the pound at Mahim, public notice of such intended sale being previously given by beat of battakah for three successive days; and the produce of such sale, after paying the fee aforesaid, the expense of feeding the animal while impounded, with the expense of beating the battakah, shall be paid by the owner of such animal, or in case no claimant shall appear within fifteen days after sush sale, shall then be paid over to the public treasury, on account of the police fund.

Otherwise to be paid into Treasury, on account of the Police Fund.

ARTICLE IX.

A Table of the value and quantity of Provender for the Animals impounded, to be made, and Copy hung up near the door of the Pounds.

The Person in charge of the Pound to be fined by the Petty Sessions, in cases of Misbehaviour.

The justices of the peace at their quarter sessions, or failing them the court of petty sessions, shall cause to be made a Table fixing the quantity of provender to be given to an animal of each class so impounded, with the price of such provender; a copy of which Table shall be hung up near the door of the public pounds, and may be altered from time to time on application to the justices, according to the value of provender. And in case, upon complaint or otherwise, the person in charge of the said public pound shall be convicted, to the satisfaction of the court of petty sessions, either of having defrauded the said animals impounded, or any of them, of their due allowance, or of otherwise misbehaving in the execution of his office, he shall be subject to a fine not exceeding one hundred rupees for each offence, to be imposed by the court of petty sessions, and which said fine the said court is hereby authorized to impose.

ARTICLE X.

Fines to be levied on the Owners of loose Animals, in certain cases.

And it is hereby further ordained, that in all cases where it shall appear to the magistrate sitting in petty sessions, that the owner or owners of any such vagrant animals hereinbefore particularly described, shall not have used due diligence and care in confining them, or shall have willingly or repeatedly suffered them to remain at large, or that such vagrant animals have trespassed on or damaged the ground or premises of others, it shall and may be lawful for the court of petty sessions to impose at their discretion, over and above the fee to be paid at the public pound, a fine not exceeding fifty rupees for each offence, on every person offending or transgressing in either of the cases immediately above specified, or who shall be proved to be the owner of any such vagrant cattle so trespassing as aforesaid.

ARTICLE XI.

How to be recovered, if not duly discharged.

And it is hereby further ordained, that if any person or persons who shall be convicted before the magistrate, in petty sessions, of either of the offences specified in the preceding clause, or who shall be fined by the said court, under and by virtue of any power hereby given to the same, shall not immediately discharge the fine or penalty imposed on him her or them, the amount of such fine or penalty shall be levied by issuing process against his or her property, by warrants under the hands and seals of two or more of the magistrates in petty sessions (and which warrant the said magistrates are hereby empowered to issue) to any person they may think proper, directing him to seize, and openly sell in some public spot on the Island, the said animal so found trespassing, or so much property belonging to the person refusing or omitting to pay the fine or penalty so imposed upon him by the authority aforesaid, as shall be adequate to defray the amount of the said fine, and every reasonable expense which may attend the sale of such property seized upon; and if property

Perſons ſo offending, not poſſeſſing means of diſcharging the Fines, to be impriſoned.

belonging to such offenders, sufficient to make good the said fine or penalty, be not found, such offender or offenders shall be committed to gaol, and kept to hard labour, at the discretion of the said magistrates, for a period not exceeding two months.

A.D. 1813. REGULATION I.

A REGULATION for preventing the Importation of Slaves from foreign Countries, and the Sale of such Slaves in the Territories immediately dependent on the Presidency of *Bombay*:—Passed by the Right Honourable the Governor in Council, on the 5th of May 1813; corresponding with the 5th Vaisak Sood Sumbut or Vekramajet era 1870; Salbahan 1735; and 3d of Jamady ool avul 1228 Hejree.

Preamble.

I. WHEREAS the importation of Slaves from foreign Countries into the British territories, is inconsistent with the dictates of humanity, and with the principles by which the administration of this country is conducted; The following Rules have been enacted; to be in force immediately on their promulgation throughout the territories immediately dependent on the Presidency of Bombay.

Importation of Slaves prohibited.

II. The importation of Slaves, whether by land or by sea, into the places immediately dependent on the Presidency of Bombay, is hereby strictly prohibited; and any person infringing this prohibition, shall be liable to be prosecuted and punished for the offence by the courts of criminal judicature.

Penalties for a breach of the foregoing Rule.

III. Any person who may be convicted of the offence of importing Slaves into the British territories, subsequently to the promulgation of this Regulation, shall be sentenced to imprisonment for the period of six months, and to pay a fine to Government, according to his circumstances in life, not exceeding, however, the sum of rupees two hundred; commutable, if not duly discharged, to imprisonment for the further period of six months, on the expiration of the former part of the sentence.

Perſons imported as Slaves, ſhall be diſcharged, or ſent back.

IV. Persons imported as Slaves into the British territories, shall be discharged and sent back to their friends and connexions in the country from which they may have been imported, at the expense of the person or persons importing them, or permitted to remain in the British territories, according as may appear most advisable to the magistrate by whom the decision on the case may be passed.

A.D. 1813. REGULATION II.

A REGULATION for repealing Regulation IV, 1812, authorizing Appeals from the Court of Sudder Adawlut, to His most Excellent Majesty and His most Honourable Privy Council; and for repealing so much of Regulation VII, 1812, as relates also to Appeals from the decision of the same Court:—Passed by the Right Honourable the Governor in Council, on the 28th of July 1813; corresponding with the 1st Sharavan Sood Sumbut or Vekramajet era 1869; Salbahan 1735; and the 29th Rujub 1228 Hijree.

reamble.

WHEREAS doubts have arisen as to the legal competency of this Government to admit of Appeals from the decrees of the Sudder Adawlut, to His most Excellent Majesty in Council, under the present Statutes of the Realms; The Right Honourable the Governor in Council has been pleased to pass the following Enactment:

II. Regulation IV, 1812, entitled a Regulation respecting Appeals from the Court of Sudder Adawlut, to His most Excellent Majesty and His most Honourable Privy Council, is rescinded.

III. Sections XXXI, XXXII, XXXIII, XXXIV, XXXV, and XXXVI, of Regulation VII, A.D. 1812, are also rescinded.

A.D. 1813. REGULATION III.

A REGULATION prescribing Rules for the Repair of Watercourses, Wells, and other Works constructed for the Improvement of the Cultivation of the Lands, and kept in repair at the Public Expense; and for affording Encouragement to Individuals to construct such Works:—Passed by the Governor in Council, on the 1st of September 1813; corresponding with the 6th Bhadrapud Sood Sumbut or Vekramajet era 1869; Salbahan 1735; and 5th Rumzan 1228 Hejree.

Preamble.

IT being necessary that provision should be made for the annual repair of certain Embankments, in different parts of the country, which have been considered as public works, and have been kept in repair at the expense of Government, in consequence of their great extent, and the damage to which the districts and places, for the protection of which they have been constructed, would be liable from inundation, in the event of their not receiving the necessary annual repairs; and there being the strongest grounds for believing, that if the embankments, reservoirs, and watercourses, in the estates of individuals, which are not considered as public works, were enlarged, or put into a proper state of repair, and new works of the same nature made where necessary and practicable, a sufficient portion of crops might be preserved in seasons of drought or inundation, for the subsistence of the body of the people, and consequently the occurrence of famine be prevented; and the Governor in Council being therefore solicitous to encourage farmers and cultivators of land to undertake these important improvements in their estates and lands; The following Rules are accordingly enacted.

Care and Superintendence of Embankments, vested in the Collector.

I. The care and superintendence of embankmen t, which are considered as public works, and are annually repaired at the expense of Government, and also of embankments in estates, the temporary charge and repair of which may devolve on Government, in consequence of the removal of the proprietors from the management of their lands or other cause, is vested in the collector of the zillah in which the works may be situated.

Collectors to report the ſtate of ſuch Embankments, and the eſtimated Expenſe of the Repairs which they require. Report and Eſtimate to be ſubmitted to the Governor in Council, with their Opinion whether the Work ought to be performed by a profeſſional Perſon.

II. The collectors are to report to the Governor in Council, annually, in due season, the state of such embankments, and to transmit an estimate of the expense of the repairs which they may require, with their opinion whether the work to be performed is of such a nature as to require the assistance of an engineer, officer, or other professional person.

Where a profeſſional Perſon ſhall not be appointed, the Collector is to commit the Execution of the Work to a careful Officer.

III. In cases in which it may be deemed unnecessary to employ a professional person to execute the work, the Governor in Council will direct the collector of the zillah to commit the execution of the work to a careful officer, with instructions to forward to him a weekly return of the number of workmen employed, the rate of their wages, the materials, tools or implements, expended or purchased, and a report of the work performed during the course of the week.

Rules for the Guidance of profeſſional Perſons deputed to make the Repairs.

IV. If a professional person shall be employed to make the repairs, he is to survey the embankments, and transmit to the Governor in Council, a statement of the repairs, or any additional works that may be required, with an estimate of the expense of them. Collectors however are empowered, in cases in which it may appear to them expedient, and where a professional person shall not be employed, to commence such part of the work as it may be deemed indispensably necessary to complete without delay, previous to receiving the survey or estimate, or, where these documents shall have been transmitted to them, without waiting for their being approved by the Governor in Council.

Accounts to be rendered to the Collector by profeſſional Perſons, deputed under this Regulation.

Profeſſional Perſon to indent upon the Collector for Materials and Implements.

Collector to furniſh them at the loweſt Price.

V. Professional persons employed under this Regulation, are to prepare and sign a daily or weekly return of the number of workmen employed on the embankments, which shall be delivered to an officer to be appointed by the collector, who is to pay the workmen according to the return, transmitting it to the collector as a voucher for the money disbursed. The professional person so employed, is to transmit to the collector an indent for such materials, tools, or implements, as may be necessary for carrying on the work, with an eſtimate of the coſt of them, and the collector shall furnish them at the lowest price at which they may be procurable.

Collectors to depoſit one Copy of the Diſburſements in the

VI. The collectors to whom the care and superintendence of the repair of embankments is or may be committed (whether the work shall have been executed by a professional

Cutcherry of the Zillah, and to ſend another to the Government.

professional person or an officer appointed by them) are to prepare two copies of the accounts of their expenditures, in the Persian and English languages, and to deposit one copy in the cutcherry of the zillah, for general inspection, and to transmit the other to the Governor in Council.

Advances to be iſſued to Individuals for repairing or making Embankments, Reſervoirs or Watercourſes.

VII. Advances shall be made to proprietors and farmers of land, or dependent talookdars, or under farmers, or ryots, for the purpose of repairing or making embankments, or repairing, enlarging or making tanks, reservoirs or watercourses, under the conditions specified in the following Sections.

Applications for ſuch Advances, to whom to be made, and what to contain.

Perſons applying for Advances, to give the Security herein required.

Proprietors are alſo to give Security.

VIII. The applications for such advances are to be made in writing to the collector of the zillah, and are to specify the nature and extent of the work for which they are required, the period by which it will be completed, and the amount of the advance solicited. The person applying for advances, is to give security for the payment of the advance, with interest, and also for the payment of the penalty to be exacted in the cases mentioned in Section IX, and shall specify in his application the security he may have to offer. Where the person making the application may may be the proprietor of the lands, for the benefit of which the works are intended, he shall give the like security as is required from farmers or other persons.

Engagement to be executed by perſons receiving Advances, and their Securities.

IX. Persons receiving advances, and their sureties, are to bind themselves to repay the amount at such period or periods as may be agreed upon between them and the collector, with interest at the rate of nine per cent. per annum, and also to pay a penalty of twenty-five per cent. on the amount advanced, in the event of the works not being completed by the stipulated period, or of the money not being applied to the purpose for which it may have been advanced.

Collector, how to proceed with ſuch Applications.

Governor in Council empowered to comply with them.

X. The collectors, upon the receipt of such written applications, are to forward them without delay to the Governor in Council, with any remarks which they may have to offer respecting them. The Governor in Council, provided there shall appear to them no objection to the execution of the work proposed, and they shall be satisfied, on the report of the collector, of the sufficiency of the security offered for the repayment of the required advance with interest, and for the discharge of the penalty in the cases mentioned in the preceding Section, will authorize the collector to make the required advance upon the person applying for it, and his surety, executing the prescribed engagements.

Survey and Report of the Works to be made and sent to the Collectors, who are empowered to levy the Penalty in the caſes herein ſpecified.

XI. Upon the arrival of the period by which such works may have been stipulated to be completed, the collector is to direct the tehseeldar, or other officer of Government upon the spot, or such person as he may deem it proper to appoint, to survey the works, and to report in what manner they have been executed; and in the event of their not having been completed according to the engagement, and by the stipulated period, or of the money not having been applied to the purpose for which it may have been advanced, he is to levy the penalty above directed, sending immediate information to the Governor in Council of the exaction of it.

Report to be made by the Collectors, of the Execution of the Works.

XII. The collectors are to transmit to the Governor in Council, quarterly reports on the execution of the works for which advances may be made under this Regulation.

Caſes in which the Government may extend the Period fixed for completing Works.

XIII. If a work for which advances may be made under this Regulation, shall not be completed by the stipulated period, and the person who may have received the advances, can shew good cause, to the satisfaction of the collector, for not having finished it, he is to report the circumstances to the Governor in Council, who are empowered to allow such further time for the completion of the work, as they may judge proper.

A. D. 1813. REGULATION IV.

A REGULATION for defining more particularly the different Classes of People who shall be liable to be tried by the Courts of Criminal Judicature established in the *British* Possessions, for Offences committed in Foreign territories:—Passed by the Governor in Council, on the 1st of September 1813; corresponding with the 6th Bhadrapud Sood Sumbut or Vekramajet era, 1869; Salbahan 1735; and 5th Ruinzan 1228 Hejree.

Preamble.

WHEREAS doubts have arisen respecting the construction which should be attached to the words "Native subjects of the British Government" employed in Regulation

Regulation III, 1809: And whereas it is essential to the ends of justice, that the necessary definition should be given of those terms; and also, that the provisions of that Regulation should be extended to certain other classes of persons to be now described; The following Rule has been enacted; to be in force from the period of its promulgation throughout the territories immediately dependent on the Presidency of Bombay.

What classes of persons the provisions of Regulation III, 1809, should be considered applicable to.

II. The provisions contained in Regulation III, 1809, for the punishment of crimes committed beyond the British territories in India, shall be considered applicable to the three following classes of persons, and to no other:

First. Natural born subjects of the British Government in India.

Second. Natives of India, who may have become subjects of the British Government in India, by the conquest or cession of the places in which they were born, for acts done by them subsequently to the period of such conquest or cession.

And in what case the eſtabliſhed Courts are reſtricted from taking cognizance of any Charge againſt a Native Military Officer, Sepoy, Trooper, or other perſon.

Third. Natives of the foreign states of India, in the civil or military service of the British Government in India, while actually in such service, and during six months after they shall have quitted the British territories, or (supposing them to be stationed out of the limits of the British territories) after they shall have quitted the service: Provided however, that nothing contained in this Regulation shall be construed to authorize any of the established courts in the British provinces to take cognizance of any charge against a native military officer, sepoy, trooper, or other person, for which he may have been already tried by a court martial under the 5th article of the 15th section of the Rules and Articles of War.

A.D. 1813. REGULATION V.

A REGULATION to enable the Governor in Council to institute or defend, through the medium of the Public Officers of Government, Actions, in which Native Princes, whom it would be improper to require to appear as Plaintiffs or Defendants in the Courts of Judicature, may be Parties:—Passed by the Governor in Council, on the 4th September 1813; corresponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet era 1869; Saibahan 1735; and 8th Rumzan 1228 Hejry.

Preamble.

WHEREAS, with the view of preserving inviolate the rights of individuals, the British Government has rendered itself amenable to the Courts established for the administration of justice in civil cases, throughout the Provinces subject to the Presidency of Bombay: And whereas in the same spirit of equity, the Government has precluded itself from deciding by its own authority on disputed claims to property of every description, in which it may be a party with any of its subjects: And whereas the Sovereigns and independent Chieftains of adjacent states have occasionally claims to prefer, or rights to defend, as individuals, in the territories of the British Government; and difficulties having occurred in prosecuting or defending such claims, from the reluctance felt by those Princes or independent Chieftains to appear as plaintiffs or defendants in the courts of judicature; The following Rules have been passed; to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Bombay.

How Claims of Sovereign Native Princes on Individuals may be proſecuted and decided upon.

II. *First.* In cases in which Sovereign Native Princes, or other independent Chieftains, whether residing within the British territories or otherwise, shall have claims to prefer as individuals, to lands or other things, the cognizance of which is vested by the general constitution of the country in the courts of civil judicature, it shall be competent to the Governor in Council to order a suit to be instituted, through the medium of public officers, for the recovery of the lands or other things which may be so claimed, in the court which, on the principles of the general regulations, is authorized to inquire into and decide upon the right to the disputed property.

The Governor in Council may order the public Officers to defend Suits brought by Individuals againſt ſuch Sovereign Native Princes.

Second. In like manner should a suit be instituted in any of the established courts of civil judicature, by any zemindar or other person, for the recovery of lands or other things in the occupancy of any Native Prince or independent Chieftain whom it would be improper to require to defend the action himself, it shall be competent to the Governor in Council to order such suit to be defended by the public officers.

By whom Suits ſo inſtituted or defended ſhall be conducted.

III. Suits which may be instituted or defended under the preceding section, shall be conducted by the collectors of the land revenue, aided by the vakeels of Government,

ment, at the city, zillah and provincial court of appeal. The collectors will of course on all such occasions be furnished, by the Governor in Council, with such information and instructions as may appear necessary to enable them duly to superintend the conduct of the prosecution, or of the defence.

A Summary of the Decree paſſed in any caſe of that nature, wherein Government may be a party, ſhall be tranſmitted immediately to the Secretary in the Judicial Department, for the orders of Government.

IV. In all original suits and appeals in which Government may be a party, under the provisions of the present Regulation, the court which may pass judgment, shall, in addition to the copies of the decrees required to be delivered to the parties, transmit a summary of the decree with as little delay as possible, in the English language, to the secretary to Government in the judicial department, for the information of the Governor in Council; who on receipt of such summary, will issue any orders to the collectors of the revenues, which the case may appear to require, or will cause the necessary notification to be made to the person on whose behalf the cause shall have been prosecuted or defended, of the final judgment given on the action.

A. D. 1813. REGULATION VI.

A REGULATION to empower the Governor in Council to order the Removal of Emigrants from Foreign Countries, and their Descendants, from any place in the vicinity of the Frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such Persons in safe custody; and likewise to provide for the Trial of Emigrants and their Descendants, who may excite Disturbances in the countries from which they may have emigrated, and of Persons aiding them in the prosecution of such attempts:—Passed by the Governor in Council, on the 4th September 1813; corresponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet era 1869; Salbahan 1735; and 8th Rumzan 1228 Hejry.

Preamble.

WHEREAS considerable numbers of persons, being natives of Cutch, Scind, and the other provinces bordering in the vicinity of Guzerat, from time to time emigrate from their native country, and establish themselves in the British territories subject to the Presidency of Bombay: And whereas it is essential that the Governor in Council should possess legal powers to remove these Emigrants or aliens from the British territories, in the event of their conducting themselves in a manner manifestly tending to disturb the relations of amity which subsist between the British Government and the Native Powers aforesaid, by abusing the protection that may be afforded them in the British territories, exciting disturbances in the country to which they may belong; and likewise to detain in confinement any of those persons, or any other individuals, being natives of foreign countries, or their descendents, for offences of the above nature actually committed by them in the territories of the state from which they may have emigrated: And whereas it is necessary to make provision for the trial of persons committing, or aiding in the commission, of the said offences; The following Rules have been passed; to be in force from the period of their promulgation, throughout the territories immediately dependent on the Presidency of Bombay.

Caſes in which the Governor in Council may order the Removal of Emigrants to ſuch parts of the country as he may deem moſt convenient.

II. Whenever the Governor in Council, upon due investigation, shall be satisfied that emigrants from any of the states above specified, and who may have sought an asylum in the British territories, or the descendants of any of the said emigrants, shall have abused the protection afforded to them, by attempts to excite disturbances in the state from which they or their ancestors may have emigrated, it shall be competent to the Governor in Council to order the removal of those persons to such other part or parts of the country as may be judged most convenient for their future residence: In like manner, it shall be competent to the Governor in Council to order such removal, whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that State and the British Government.

Such Emigrants allowed to diſpoſe of any Property they may have acquired; or Government may order real Property, not diſpoſed of at the period of re-

III. Whenever any body of emigrants, or any individuals belonging to such body, shall be ordered to be removed from the part of the country in which they may have been established, they shall be allowed to dispose of any property which they may have acquired, in such manner as they may judge proper: Provided however, that if they shall nevertheless retain the right to any real property at the period of their actual removal, it shall be competent to the Governor in Council to order such property

perty to be sold by public auction, under the superintendence of the collector of the district: In that case the net proceeds of the sale shall be duly paid to the person or persons to whom the said property belongs.

moval, to be sold, and the Proceeds to be paid to the Emigrants.

IV. In cases in which the Governor in Council may on due inquiry and mature deliberation be satisfied that either the preservation of the tranquillity of the British territories, or of the dominions of the Allies of the British government, or the maintenance of the relations of amity subsisting between the British Government and other States, require that any of the leaders or other persons of the above description, who may have committed the offences mentioned in Section II of this Regulation, should be placed and detained under restraint, it shall be competent to the Governor in Council to order any such persons, having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement, at such place, and under the custody of such public officer, and detained in confinement for such time, as may be deemed by the Governor in Council necessary for the public good.

The Governor in Council may in certain cases order the Leaders of other Emigrants to be apprehended and kept under restraint.

V. *First.* Any persons of the above description, or their descendants, who, while living under the protection of the British Government, shall enter the country from which they or their ancestors may have emigrated, or any other foreign country, and shall excite or attempt to excite disturbances in the said countries, shall be liable to be brought to trial for that offence before the court of circuit, and if convicted, shall be sentenced to suffer imprisonment for the period of seven years.

Emigrants or their Descendants exciting Disturbances in the Countries from which they may have emigrated, to be tried; and if convicted, to be sentenced to Seven Years imprisonment.

Second. Any persons, whether native British subjects, or Natives, subjects of the British Government, or aliens, who shall furnish emigrants from foreign countries with any assistance either of men, money, or arms, in prosecution of their attempts to excite disturbances in the country from which they may have emigrated, or in any other country, or shall otherwise aid such aliens in the prosecution of their criminal design, shall be liable to be brought to trial for that offence before the court of circuit, and if convicted, shall be sentenced to suffer imprisonment for the term of seven years: Provided however, that if the judge of circuit by whom the case may be tried, shall be of opinion that the punishment established by this and the preceding clause, should in any instance be mitigated, he shall submit the proceedings held on the trial to the superior tribunal, who will recommend to the Governor in Council such alleviation of the prescribed punishment as they may judge proper: Provided moreover, that no sentence or order, which may be passed on the trial of any persons under the provisions of the present Regulation, shall be competent, or shall be construed to preclude the Governor in Council from the exercise of the power vested in the Government by Section IV of the said Regulation.

Any Persons aiding or assisting in attempts to excite such Disturbances, liable to Trial and similar Punishment.

Such Sentences may be mitigated in certain cases; but no Sentence or Order passed on any such Trials, to preclude Government from the exercise of the power vested in it by Section IV.

A. D. 1813. REGULATION VII.

A REGULATION for authorizing the Judges of the Zillahs under the Presidency of *Bombay*, or the Magistrates of *Bancoote* and *Caranja*, to execute Judgments passed by the Court of Requests for the Town of *Bombay*:—Passed by the Governor in Council, on the 4th September 1813; corresponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet era 1869; Salbahan 1735; and 8th Rumzan 1228 Hejry.

WHEREAS with the view of guarding, the execution of the Judgments of the Commissioners of the Court of Requests for the town of Bombay being defeated by the parties, against whom the same have been obtained, absconding from the limits of the town into the zillah of Salsette, or to any other of the jurisdictions under the Presidency of Bombay; To remedy the inconvenience in question, the following Rules have been enacted; to be in force from the period of their promulgation.

Preamble.

II. *First.* If the defendant in any suit decided by the court of requests for the town of Bombay, the plaintiff in which shall have obtained a judgment, shall retire before execution of the same, into the jurisdiction of the judge of the zillah of Salsette, or any other zillah or station beyond the jurisdiction of the court of recorder, the judge or magistrate of the station whither the party may have absconded, upon receiving a written application from the said plaintiff, either in person or by vakeel, setting forth the above circumstances, and accompanied by a copy of the judgment duly authenticated, is hereby authorized and directed to proceed to execute the said judgment in the mode prescribed by the existing regulations for executing his own decrees.

The Judge of the Zillah of Bombay ordered under certain circumstances to execute Judgments of the Commissioners of the Court of Requests for the Town of Bombay.

The Judge, upon the Defendant alleging any cauſe againſt the execution of the Judgment, which may require the determination of the Commiſſioners, how to proceed.

Second. Provided always, that if the defendant in such case shall allege any cause against the execution of the judgment, which shall appear to the judge or the magistrate to require the determination of the commissioners of the court of requests, the judge shall, upon such defendant entering into sufficient security to satisfy the judgment, if the judge should deem this precaution nccessary, allow the said defendant a reasonable period to apply to the said commissioners; upon the expiration of which, unless the said defendant should produce an order properly authenticated from the said commissioners, certifying that the judgment ought not to be put into execution, the judge shall forthwith proceed to execute the judgment, as prescribed in the preceding clause.

Defendants who have been confined by the Commiſſioners, but liberated, not again to be confined by the Judge in execution of the ſame Judgment; Execution in ſuch caſes to proceed againſt the Property only.

Third. Provided further, that no defendant who shall have been confined in the jail of the said commissioners, and shall have been subsequently released, shall again be confined by the judge of any zillah court, in execution of the same judgment; but that in all such cases, execution shall proceed against the property only of the defendant.

A.D. 1813. REGULATION VIII.

A REGULATION, for preventing Native Officers from making use of Public Money entrusted to their care; for prescribing the Agency of Comavisdars; for prohibiting Native Officers employed in the Revenue Department from being engaged in Trade, and from receiving any Nuzzers or Presents:—Passed by the Governor in Council, on the 4th September 1813; corresponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet era 1869; Salbahan 1735; and 8th Rumzan 1228 Hijree.

Preamble.

WHEREAS the interests of Government require that Photehdars, Tehsildars and other native officers, should be restrained from making use of the Public Money entrusted to their care; The following Rules have been enacted; to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Bombay.

Native Revenue Officers prohibited from converting the Public Money under their charge to private advantage.

II. Photehdars, Tehsildars, and other native officers entrusted with the charge of public money, are hereby strictly prohibited from making use of such money for their own advantage, or that of any other individual.

A Breach of this Regulation to be puniſhed as a Miſdemeanor.

III. Any person infringing the Rule contained in the foregoing Section, shall be deemed to have been guilty of a misdemeanor, and shall be punished on conviction thereof before a court of circuit, at the discretion of the said court: Provided nevertheless, that no person convicted of the offence specified in the preceding Section of this Regulation, shall be sentenced by a judge of circuit, to the punishmens of stripes, or to hard labour. If in any instance imprisonment for the term of seven years shall appear to the judge of circuit to be an inadequate punishment for the offence, he shall transmit the trial, with his sentiments thereupon, to the court of the superior tribunal, for the final sentence of that court.

Comaviſdars prohibited from holding charge of more than one Pergunnah, under certain reſtrictions.

IV. No comavisdar to hold charge of more than one pergunnah, if the rental of that pergunnah shall be equal to one lack of rupees per annum.

V. No comavisdar to hold charge of more than one pergunnah, although their united rentals be under one lack of rupees; unless such pergunnahs or other division be locally connected, and adjoining to each other, without any intervening district.

Reſpectability of character to be attended to in the ſelection of Comaviſdars.

VI. The collector is, in the selection of comavisdars, to pay the utmost attention to their characters and responsibility, previously reporting their names to Government, whose sanction shall be required to the confirmation of any such appointment.

Revenue Officers prohibited from engaging in Trade, or receiving Preſents.

VII. All comavisdars or others concerned in the collection of the revenue, are to stand prohibited, from the beginning of the year ensuing, from being engaged in trade, and restricted from the receipt of any nuzzers or presents of any amount or description; to which effect they are severally to enter into mochulkas or final engagements, subjecting themselves to dismission from office for being hereafter engaged in any commercial transaction, and to a penalty of three times the amount, on conviction

tion in a court of justice, of any nuzzer they may have received; of which deeds, attested copies are by the collector to be transmitted and lodged in the Registry of the Court of Adawlut of the division.

VIII. It shall be the duty of the collectors of revenue, commercial residents and other officers, to submit to Government a special report respecting all convictions and sentences which may take place under the provisions of the present Regulation, in order that the Governor in Council may have an opportunity of considering whether the guilty persons should not also be declared incapable of again serving Government in any public capacity.

Reports to be made to Government, of all Convictions and Sentences under this Regulation.

A.D. 1813, REGULATION IX.

A REGULATION for defining the Duties to be performed, and Powers exercised, by single Judges of the Provincial Court of Appeal, in the absence of the other Judges of the Court:—Passed by the Right Honourable the Governor in Council, on the 4th September 1813; corresponding with the 9th Bhadrapud Sood Sumbut or Vekramajet era 1869; Salbahan 1735; and 8th Rumzan 1228 Hejree.

WHEREAS it has been deemed advisable to define the duties which devolve upon a single Judge of a Provincial Court of Appeal, during the absence of the other judges from the station where the court is held; as also in cases wherein another judge, being present at the station, may be prevented by indisposition or other cause from attending the sittings of the court; The Governor in Council has been pleased to enact the following Rules:

Preamble.

II. Whenever one judge only of a provincial court of appeal may be present at the station where the court is held, or though two or more judges may be present at the station, if one judge only shall be able to attend on the days fixed for the sittings of the court, which under the regulations now in force are to be held three days in every week, or oftener if the business shall require it, the officiating judge so attending the court is authorized and directed to perform the duties specified in the following Section.

Authority and direction given to a single Judge of Appeal, to perform the Duties specified.

III. *First.* To execute all decrees, precepts and orders, of the Sudder Adawlut; make returns in the prescribed form, in all cases of reference from that court; also, to receive petitions of appeal to the Sudder Adawlut, from the decisions of the provincial court, which may be duly presented within the fixed period, and to proceed thereupon as directed by the Regulations.

Secondly. To execute all decrees and orders which may have been passed by two or more judges of the provincial court, and which shall not have been carried into full execution: Provided, that this authority be not construed to empower any single judge to perfect interlocutory decrees, by passing final judgement or order upon any point left undetermined by the decision of a competent provincial court, or generally to give any determination upon the rights of parties, which may not have been expressly adjudged at a regular sitting of the provincial court.

Further Duties to be performed by a single Judge of a Provincial Court.

Proviſo.

Thirdly. To receive petitions of appeal from decisions of the zillah courts, whether transmitted by the judges of those courts, or presented, as allowed in particular cases by the Regulations, immediately to the provincial court; and if the appeal shall clearly appear to be admissible under the prescribed limitations, and the petition for it shall have been duly presented within the fixed period, to admit the appeal, and issue all consequent process for the appearance of the respondent, as well as for obtaining the proceedings held upon the cause appealed; but if the petition of appeal shall not have been presented within the limited period, or although so presented, if there appear to be any room for doubt whether the cause be regularly appealable to the provincial court, or if the petition be for a special appeal in cases where a regular appeal is not open to the provincial court, the admission or rejection of the appeal shall be left for the consideration of a competent court, and the single judge, receiving the petition, shall merely record the receipt of it, and of the institution fee and securities required to accompany it, which shall be returned in the event of the appeal not being ultimately allowed by the provincial court.

What other Duties a ſingle Judge of a Provincial Court is authorized to perform.

Fourthly. To ascertain and determine the sufficiency of securities offered for the admission of appeals, or for the fees of pleaders, or for staying the execution of decrees appealed from; to summon and examine witnesses for proving vakalutnamahs

Continuation of the ſpecification of Duties to be performed by a ſingle Judge of a Provincial Court.

malis or mokhtarnamahs, or for establishing the poverty of paupers; and to prepare appealed causes for trial, by receiving the pleading of the parties, or their vakeels, and any exhibits which may accompany them.

Further ſpecification of thoſe Duties.

Fifthly. To summon and examine any witnesses upon the merits of the case in appeal, whom the provincial court may have previously ordered to be examined, or where evidence may be offered upon points in which the provincial court may have resolved to admit new evidence, on a previous hearing of the appeal; but this authority shall not be considered to empower any single judge to summon and examine witnesses upon any point relative to the merits of a cause in appeal, unless two or more judges of the provincial court shall have directed the examination of such witnesses, or have resolved to admit new evidence on the point or points in proof of which such witnesses may be adduced.

Continuation of the ſame ſubject.

Sixthly. To proceed in causes referred for trial in the first instance to the provincial court by the Governor in Council, or by the Sudder Adawlut, in like manner as stated in the foregoing clause respecting appeals, and under the same restrictions.

What other Duties are to be performed by a ſingle Judge of a Provincial Court.

Seventhly. To receive miscellaneous petitions relative to matters depending before or decided by any zillah court, in all cases wherein the provincial courts are authorized to receive such petitions, and to proceed thereupon as the provincial courts are empowered to proceed, except that no final order shall be passed upon the subject of any such petition, until two or more judges be present; nor shall a single judge of the provincial court be deemed competent to pass a final and conclusive order in any case whatever.

Concluſion of this ſubject.

Eighthly. To correspond with the Governor in Council, with the Sudder Adawlut, with the zillah courts, and generally with all public officers, in like manner as the provincial court is authorized to correspond with such public officers; and to perform all miscellaneous duties arising out of such correspondence, or incidental to the necessary discharge of the usual functions of an officiating judge of a provincial court of appeal; also to furnish the monthly and other periodical reports and accounts prescribed by the Regulations, or required by the orders of Government, or of the court of Sudder Adawlut.

In the execution of the Duties above deſcribed, a ſingle Judge of a Provincial Court, or an Acting Judge thereof, to poſſeſs the ſame Powers as the Court collectively; ſubject to the Reſtrictions ſpecified, and to the further Reſtriction in Section IV.

IV. In the execution of the duties prescribed by the preceding section, a single judge of a provincial court of appeal, or an acting judge appointed to officiate as such, when none of the judges of a provincial court may be present at the station where the court is held, shall possess the same powers as are vested by the Regulations in the court collectively; subject to the several restrictions specified, and also to the further restriction noticed in the following section.

How a ſingle Judge of a Provincial Court, or an Acting Judge or Regiſter thereof, is to proceed with a Perſon appearing to be guilty of Perjury.

V. In the event of any witness, who may be examined by a single judge of a provincial court, or by a person appointed to officiate as such, or by the register of the provincial court, acting under the orders of a single judge, appearing to be guilty of perjury, so as to merit commitment for trial before the court of circuit, in pursuance of the provisions made by the Regulations for that purpose, the judge may cause such witness to be held to bail, or if satisfactory bail be not given for his appearance at the first regular sitting of the provincial court, may cause him to be kept in custody until he can be brought before two or more judges of the provincial court, but shall not pass a final order to commit the witness for trial on a charge of perjury, until the grounds of it shall have been submitted for the determination of a competent court.

Powers veſted by this Regulation in a ſingle Judge of a Provincial Court not to be conſtrued to prevent the Court at large, or any two Judges thereof, from the re-examining Witneſſes or performing any of the other acts herein ſpecified.

VI. The powers vested by this Regulation in a single judge of the provincial court of appeal, shall not be construed to prevent the court at large, or any two judges of the court, from re-examining witnesses whose depositions may have been taken before a single judge, if it appear requisite; or from examining any other witnesses in the cause; or generally from passing any order that may appear proper and consistent with the Regulations, whether in addition to, or in qualification or abrogation of any previous order of a single judge.

A.D. 1813. REGULATION X.

A REGULATION for the conduct of the Trade of Foreign Nations, with the Ports and Settlements of the *British* Nation in the *East Indies*; and for defining the Duties to which such Trade shall be subject, at such of the said Ports and Settlements as are immediately dependent on the Presidency of *Bombay*; and for prohibiting the Export of Woollens from *Bombay* and its dependencies, to *China*; defining the Duties to be levied on Provisions imported on account of His Majesty's Navy; and directing the levy of a Duty on the Export of Bullion to *Europe* or *America*:—Passed by the Governor in Council, on the 4th September 1813; corresponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet era 1869; Salbahan 1735; and 8th Rumzan 1228 Hejry.

Preamble.

THE Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, having been pleased to establish certain Regulations, in pursuance of the powers vested in them by an Act of Parliament passed in the 37th year of George the Third, chapter CXVII, for the conduct of the trade of foreign nations to the ports and settlements of the British nation in the East Indies, and also for defining the duties to which such trade shall be subject; The said Rules have been accordingly framed into a Regulation, to be in force in the territories immediately dependent on the Presidency of Bombay; from the period of its promulgation.

Rules under which foreign European Ships belonging to nations having a settlement in India, may enter or clear out from British Sea Ports in that country.

II. Foreign European ships belonging to any nation having a settlement of its own in the East Indies, and being in amity with His Majesty, may freely enter the British sea-ports and harbours in that country; whether they come directly from their own country, or from any of the ports and places in the East Indies, they shall be hospitably received, and shall have liberty of trade there in imports and exports, conformably to the regulations established in such places. The said ships may also be cleared out for any port or place in the East Indies; but if cleared out for Europe, shall be cleared out direct for the country in Europe to which such ships respectively belong.

Rules as to Ships belonging to Nations having no Establishment in India; and American Ships.

III. *First.* Foreign European ships belonging to countries having no establishment in the East Indies, and ships belonging to the United States of America, may (when those countries and states respectively are in amity with His Majesty) in like manner freely enter the British sea-ports and harbours in the East Indies; they shall be hospitably received there, and have free liberty to trade in imports and exports, conformably to the regulations of the place: Provided always, that they proceed from their own ports direct to the said British territories, without touching at any port or place whatever in the voyage out, except from necessity, and merely to procure refreshments or repairs, in case of distress or accidents in the course of such voyage; the burthen of the proof of which necessity is to rest on the parties.

Such Ships not to export Goods from the British Territories in India, except to their own Countries respectively.

Exception as to part of their original Cargoes.

Second. The vessels of the said European Powers last aforesaid, and of the said United States, shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in their own countries respectively, where the same shall be unladen. The said ships shall not be cleared out to carry on the coasting or country trade in India; but vessels going with their original cargoes or part thereof from one British port of discharge to another British port, are not to be considered as carrying on the coasting trade.

Such Ships not to proceed from British Ports to any foreign Settlement or Factory, or any Indian or Chinese Port, except through necessity.

Third. The said vessels shall not be allowed to proceed, either with or without return cargo, from the said British territories to the settlements or factories of any foreign European nation in India, or to the territory of any Indian or Chinese potentate or power, except from the like necessity as is before described, of which the proof shall rest with them.

Such Ships on clearing out, shall give Bond to deliver their Cargoes at the Port for which the Clearance is taken out.

Fourth. In clearing out for their respective countries, the clearance shall be a direct one to the country, European or American, to which the vessel belongs, and to no other whatever; they are to give bond, with the security of a resident in the country, that they will deliver the cargo at the port for which the clearance is made, and such bond is to be cancelled when a certificate from a British consul, or two known British merchants, resident at such port, is produced, of the *bonâ fide* delivery of the cargo there.

Form of the Bond.

Fifth. The following is the form of the bond which is to be executed on occasions of that nature :—

KNOW all Men by these Presents, That we are jointly and severally held and firmly bound to the United Company of Merchants of England trading to the East Indies, in the sum of rupees to be paid to the said United Company, their certain attorney, successors or assigns ; for which payment well and truly to be made, we bind ourselves and each of us, himself, our and each of our heirs, executors and administrators, firmly by these presents, sealed with our seals this day of in the year of our Lord Whereas the Directors of the United Company of Merchants of England trading to the East Indies, by virtue of the powers by law to them given, did frame certain regulations for the trade to be carried on with the British possessions in India by the ships of nations in amity with His Majesty, and thereby, among other things, directed, that foreign European ships belonging to nations having no establishments in the East Indies, and ships belonging to the United States of America, should not carry any of the articles exported by them from the said British territories, to any port or place, except the ports or places of their respective countries ; and that, upon such ships clearing out of the ports of the said British territories for their respective countries, the clearance to be granted to them should be directed to the country to which the ship belonged, and to no other whatsoever ; and that bonds should be taken, with security, of persons resident within the British territories, conditioning, that the cargoes of the said ships exported from the British territories should be delivered at the ports for which their clearances were made : And whereas the above bounden of the ship belonging to the port of in the dominion of and now lying in laden with a cargo consisting of has applied to the collector of customs at the port of for a port clearance to the port of within the dominions of the said which is intended to be granted to him : Now the condition of the above written obligation is such, that if the goods hereinbefore mentioned, and every part thereof, shall be really and truly exported to, and landed at the said port of and if no part thereof shall be carried to and landed at any other place whatsoever, and if within months from the day of the date of the above-written obligation there shall be brought and produced to the Governor in Council of Bombay for the time being, or to such other person at Bombay aforesaid, as the said Governor in Council shall appoint to receive and examine the same, a certificate signed by the British consul resident at the said port of or if no British consul shall be resident at the said port of , then a certificate signed by two British merchants resident at the said port of certifying that the said goods have been there landed ; or if there shall be made full and sufficient proof, to the satisfaction of the said Governor in Council, or such person at Bombay aforesaid, as the said Governor in Council shall appoint to receive and examine such proof, that the said goods have been taken by enemies, or perished in the seas, then the above-written obligation to be void, otherwise to be and remain in full force and effect.

How the pecuniary Obligation and Security are to be adjusted.

IV. The pecuniary obligation and security required by the foregoing Clauses of this Section, shall be adjusted on a consideration of the tonnage of the vessel, and shall in ordinary cases be calculated at the rate of one hundred rupees per ton ; but an authority is reserved to the Governor in Council to reduce that rate, in cases in which any substantial reasons can be assigned for that indulgence. Applications of this nature are uniformly to be made through the collector of Government customs, who shall forward them to the Governor in Council, with his sentiments on the subject, for his orders.

Goods imported or exported on foreign Bottoms, subject to Duty.

V. Goods imported or exported on foreign bottoms, shall be subject to the following duties ; viz.

First. On imports 60 per cent. advance on the original invoice cost, attested upon oath, and $4\frac{1}{2}$ per cent. customs to be levied on the aggregate.

Second. On exports $3\frac{1}{2}$ per cent. customs on the original invoice, attested upon oath, on such articles as may have been purchased at this port.

VI. The

VI. The town duty of 4 per cent will be collected upon the same principle as the $4\frac{1}{2}$ per cent customs on imports, for such articles as are liable to that levy, agreeably to the provisions contained in Regulation I, of 1810.

VII. Woollens, whether the manufacture of Europe, India, or any other country, shall not be shipped for exportation from Bombay to China, on any account whatever.

Woollens not to be exported from Bombay to China.

VIII. Provisions and stores purchased in India by His Majesty's naval commissioners for the use of His Majesty's navy, and imported at Bombay, to be passed duty free; except such articles of provision as may be supplied to the squadron by the contractors or their agents, which are to be subject to the prescribed duties.

Provisions purchased for the use of His Majesty's Navy, to be passed Duty free. Exception.

IX. A duty shall be levied on all coin or bullion exported from Bombay, or from any port subordinate thereto, either to America or Europe, at the rate of three per cent, if exported on British vessels, and six per cent, if exported on foreign bottoms: provided, however, that nothing contained in the present or in any former Regulation, shall be construed to authorize the collection of any duty on the exportation of coin or bullion to any other place, excepting Europe and America, as aforesaid.

Duty to be levied on the Exportation of Coin or Bullion to Europe or America. Exception.

A. D. 1813. REGULATION XI.

A REGULATION for prohibiting Covenanted Civil Servants of the Company employed in the Administration of Justice, or the Collection of the Public Revenue, in the British Territories under the Presidency of *Bombay*, from lending Money to Zemindars, independent Talookdars, or dependent Talookdars, or other Landholders or Farmers of land, holding Farms immediately of Government, or the under Farmers or Ryots of the several descriptions of Landholders and Farmers of Land above-mentioned, or their respective Sureties; and for prohibiting Europeans, of any description, holding possession of Lands that may be mortgaged to them, or purchasing or renting Lands in the Provinces under this Presidency, for erecting Houses or Buildings for carrying on Manufactures or other purposes, without the Sanction of the Governor in Council:—Passed by the Governor in Council, on the 16th of September 1813; corresponding with the 6th of Bhadrapud Vud Sumbut or Vekramajet era 1869; Salbahan 1735; and 20th Rumzan 1228 Hijree.

FROM a regard to the prejudices of the Natives, and with a view to promote their ease and happiness, and to obviate the evils that would necessarily result from allowing any persons not amenable to the provincial court of judicature, in common with the natives, to purchase or rent estates, without restriction or limitation, or to hold any land whatever, excepting for the erection of dwelling-houses or buildings for manufactures or other commercial purposes, The Governor in Council has been pleased to enact the following Rules:

Covenanted Servants of the Company employed in the administration of Justice, or the collection of the Revenue, prohibited lending Money to Landholders or Farmers of Land, dependent Talookdars, under Farmers or Ryots, or their Sureties.

II. The judges and magistrates of the zillah courts, the judges to the provincial court of appeal, and court of circuit, and the registers to their respective courts, and their assistants or other officers, being covenanted servants of the Company, and the collectors of the revenue and their assistants, are prohibited lending money, directly or indirectly, to any landholder or farmer of land, dependent talookdar, or under farmer or ryot, or their sureties; and all such loans are declared not recoverable in any court of judicature.

III. No European, of whatever nation or description, shall purchase, rent or occupy, directly or indirectly, any land in the provinces belonging to the honourable the English East India Company, without the sanction of the Governor in Council; and all persons now so holding land, without having obtained such permission, or who may hereafter so purchase, rent or occupy land, shall be liable to be dispossessed of the same at the discretion of the Governor in Council; nor shall they be entitled to any indemnification for buildings which they may have erected, or on any other account.

Europeans now possessing, or who may hereafter purchase, rent or occupy Land, without the sanction of the Governor in Council, liable to be dispossessed at his discretion.

IV. Europeans who are not prohibited from lending money to landholders or farmers of land, dependent talookdars, under-farmers or ryots, and who may make loans to them on the security or mortgage of their lands or leases, shall not be allowed, directly

Europeans not prohibited lending Money to Landholders, &c. on mortgage of the Estates or Leases, not to be allowed to

have Poſſeſſion of the Land, or to have any concern in the Collection.

directly or indirectly, to hold possession of the lands, the usufruct or lease whereof may be mortgaged to them as security for the loan, or to make or appropriate the collections, or to have any concern or interference whatever, in the management or collection of the rents or revenue of the lands.

Collector to depute an Officer to meaſure Ground, which the Governor in Council may permit an European to hold.

V. When an European shall be permitted by the Governor in Council to purchase occupy or rent any land in the provinces belonging to the honourable the English East India Company, it shall be measured by an officer to be appointed by the collector, and the expense attending the measurement shall be paid by the party purchasing renting or occupying the ground. It shall be the duty of the collectors to report to the Governor in Council, every instance that may come to their knowledge, in which Europeans may directly or indirectly purchase occupy or rent any land without such authority.

Collector to report when any European may poſſeſs themſelves of Land without authority.

Annual Statement of Lands held by Europeans, to be ſent by the Collectors to the Governor in Council.

VI. Upon the receipt of this Regulation, the collectors are to transmit a statement, specifying the names of the Europeans possessing renting or occupying land within their respective zillahs; the extent of the land, the purpose to which it is appropriated, and from what period, and under what authority it has been so possessed. The collectors are to transmit a similar statement to the Governor in Council annually, by the 1st of January.

PAPERS

RELATING TO

EAST INDIA AFFAIRS.

REGULATIONS

Passed by the Governments of Bengal, Fort St. George, and Bombay;—1815.

Ordered, by The House of Commons, *to be printed,*
9 February 1815.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

Viz.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1814.

(Presented in pursuance of Act 55 Geo. III. cap. 155. Sect. 66.)

Ordered, by The House of Commons, *to be Printed,*
13 *March* 1816.

REGULATIONS Passed by the Governments of India:—Presented to the Honourable the House of Commons, in pursuance of an Act of Parliament of 55th Geo. III. Cap. 155, Sect. 66:—Viz.

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Regulation.

I.—For amending the Regulations before enacted, for raising a Revenue by means of Stamps:—
Passed 1 January 1814 - - p. 5

II.—For modifying the Rules, before established, for the trial of Suits proposed to be instituted against any of the public officers, who have been declared amenable, for acts connected with the discharge of their official duties, to the jurisdiction of the courts of civil judicature:—
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III.—For extending the provisions of Regulation XIII, 1813, to the stations at which the magistrates reside, in the divisions of Dacca, Moorshedabad, Calcutta, and Patna:—
Passed 5 February 1814 - - p. 13

IV. For repealing Regulation VIII, 1812: - - - - Passed 11 March 1814 - - p. 14

V. For amending such parts of the Regulations before enacted, as relate to the appointment of the Judges of the Provincial Courts of Appeal and Circuit: - Passed 19 March 1814 - - ibid.

VI.—For modifying certain parts of Regulation IX, 1810, and Regulation I, 1812:—
Passed 19 March 1814 - - p. 15

VII.—For modifying a part of the provisions contained in Regulation X, 1809, respecting the Copper Coinage of the Province of Benares: - - - - Passed 29 April 1814 - - p. 16

VIII.—For extending the provision contained in clause second, section 4, Regulation III, 1812. to cases of murder, arson and theft: - - - - - - - - Passed 13 May 1814 - - - p. 16

IX.—For explaining the extent and meaning of Regulation XIII, 1813, and Regulation III, 1814:—
Passed 17 May 1814 - - - p. 17

X.—For explaining so much of Regulation I, 1814, as relates to engagements contracted between Government and individuals: - - - - - - - - - Passed 20 May 1814 - - - ibid.

XI.—To make further provision for the punishment of persons convicted of breaking into, or attempting to break into, houses, tents, boats, or other places of habitation; or into warehouses or other places used for the custody of property, with an intent to steal:—
Passed 27 May 1814 - - - p. 18

XII.—For securing to the invalid Native Officers, soldiers and others, the reduced pay or pension granted to them for their support on retiring from service: - Passed 27 May 1814 - - - p. 19

XIII.—For the abolition of the office of Cutwal, in the cities of Dacca, Patna, and Moorshedabad: - - - - - - - - - - - - - - - - - Passed 10 June 1814 - - - p. 20

XIV.—For forming the Zillah of the twenty-four pergunnahs into two distinct jurisdictions:
Passed 14 June 1814 - - - ibid.

XV.—To define the punishment to which persons convicted of two or more offences shall in certain cases be subject: - - - - - - - - - - - - - Passed 21 June 1814 - - - ibid.

XVI.—For extending the provisions of Regulation XIII, 1813, to the stations at which the magistrates reside in the divisions of Benares and Bareilly, with exception to the city of Benares:—
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XVII.—For the recovery of Arrears due from persons manufacturing or selling spirituous liquors, taury, putchwye, and intoxicating drugs; - - - - - Passed 29 July 1814 - - - p. 22

XVIII.—For amending the Rules before enacted, relative to the demand of arrears of public revenue, and to the conduct of sales of land for the recovery of the same:—
Passed 23 August 1814 - - ibid.

XIX.—For reducing to one Regulation, with alterations and additions, certain Regulations respecting the partition of estates paying revenue to Government: - Passed 17 September 1814 - p. 23

Regulation.

XX.—The rescinding the Regulations in force, relative to the College of Fort William:—
Passed 27 September 1814 - - p. 34

XXI.—For preventing the zillah and city judges, and collectors of the public revenue, from employing their native creditors on their respective establishments: Passed 4 October 1814 - - - ibid.

XXII.—For declaring the manufacture of Salt in the province of Cuttack, a monopoly on the part of Government; and for providing more effectually against the illicit manufacture, importation, transportation, and sale of salt therein: - - - - - - - Passed 4 November 1814 - - p. 35

XXIII.—For reducing into one Regulation, with amendments and modifications, the several Rules which have been passed, regarding the office of Moonsiffs or native commissioners, and of sudder ameens or head commissioners, for modifying and extending their respective powers in the trial and decision of civil suits, and for authorizing them to discharge certain additional duties under the direction of the zillah and city judges: - - - - - - Passed 29 November 1814 - - ibid.

XXIV.—For abolishing the office of assistant judge of the zillah and city courts, and for making certain modifications in the constitution and jurisdiction of those courts;—
Passed 29 November 1814 - - p. 53

XXV.—For modifying the constitution and jurisdiction of the Sudder Dewanny Adawlut, and of the provincial courts, for expediting the trial of civil causes in those courts, and for defining more fully the powers of single judges holding the sittings of those courts, or of the Nizamut Adawlut, and courts of circuit: - - - - - - - - - - - - - Passed 29 November 1814 - - p. 58

XXVI.—For modifying some of the Rules at present in force, regarding the admission and trial of special and summary appeals from decisions passed in regular suits; for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees in regular suits and appeals; and for explaining and making certain additions to the provisions of Regulation I, 1814: - - - - - - - - - - - - Passed 29 November 1814 - - p. 63

XXVII.—For reducing into one Regulation, with amendments and modifications, the several Rules which have been passed regarding the office of vakeel or native pleader in the courts of civil judicature: - - - - - - - - - - - - - - Passed 29 November 1814 - - p. 74

XXVIII.—For reducing into one Regulation, with amendments and modifications, the several Rules which have been passed for admitting persons of certain descriptions to sue in the courts of civil judicature as paupers: - - - - - - - - - Passed 29 November 1814 - - p. 84

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II.—By the Governor in Council of Fort St. George, in the Year 1814.

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1814 - - - - - - - - - - Passed 10 June 1814 - - p. 89

III.—By the Governor in Council of Bombay, in the Year 1814.

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I.—For determining the rate of Interest on Money, in the provinces subject to the presidency of Bombay: - - - - - - - - - - - - - - - - Passed 12 January 1814 - - p. 90

II.—For establishing the office of Tullaties or village accountants, and defining the duties of the said office, in the British territories, under the presidency of Bombay:—
Passed 12 January 1814 - - p. 92

III.—For trying the validity of the titles of persons holding or claiming to hold Lands exempted from the payment of revenue under grants not being badshahie or royal grants; to amend and explain the existing limitation of time for the cognizance of suits in the civil courts; and for determining the amount of the annual assessment to be imposed on the Lands so held which may be adjudged to be, or may become liable to the payment of public revenue, in the British territories subject to the presidency of Bombay: - - - - - Passed 12 January 1814 - - p. 101

Regulation.

IV.—For preventing the embezzlement of public money, and the withholding of public papers by the native officers of Government in the British territories subject to the presidency of Bombay :—
Passed 23 March 1814 - - - p. 105

V.—For prohibiting the vend of certain Drugs and Substances, except under Licences to be granted by the collectors : - - - - - - - - - - Passed 20 April 1814 - - - p. 106

VI.—For authorizing the Confiscation and sale of goods, wares or merchandize which may be forfeited by a breach of the Regulations of the Government; and for rendering goods illicitly shipped at Madras or Calcutta, or at any port within the jurisdiction of those presidencies respectively, liable to seizure and confiscation if imported into Bombay or any of the ports subordinate thereto :—
Passed 4 May 1814 - - - p. 107

VII.—For facilitating the progress of detachments of Troops through the Company's territories: for affording any requisite assistance to persons travelling through the territories; and for the guidance of the civil officers in applying for Military guards :—
Passed 17 August 1814 - - - p. 108

VIII.—For removing the existing restrictions to the export of Saltpetre :—
Passed 7 September 1814 - - p. 114

IX.—To define the punishment to which persons convicted of two or more offences shall, in certain cases, be subject : - - - - - - - - - - - Passed 7 September 1814 - - ibid.

X.—For establishing an office for keeping the Records in the native languages, which relate to the public revenues : - - - - - - - - - - - Passed 21 September 1814 - - p. 115

XI.—Vesting the Resident at Sinder Droog or Malwan, with powers to hear and determine civil suits to a certain extent; and with magisterial authority for the apprehension and trial of persons charged with crimes or misdemeanors ; and for extending the jurisdiction of the court established for Salsette, Caranja, &c. to Sinder Droog or Malwan and its Dependencies :—
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RULE, ORDINANCE, and REGULATION I.—For vesting any two of His Majesty's justices of the peace with power to decide on all disputes arising between masters and mistresses, and any of their household servants, hamauls or palanqueen bearers ; and for empowering either of the magistrates of police to decide summarily on acts of miscarriage and ill behaviour, requiring moderate though immediate correction : - - - - - - - - - - - - Passed 23 March 1814 - - - p. 118

East India House,
7 March 1816.

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1814.—N° I to XXIX.

A. D. 1814. REGULATION I.

A REGULATION for amending the Regulations before enacted for raising a Revenue by means of Stamps.—Passed by the Governor General in Council, on the 1st January 1814; corresponding with the 19th Poose 1220 Bengal era; the 25th Poose 1221 Fussily; the 20th Poose 1221 Willaity; the 10th Poose 1870 Sumbut; and the 8th Mohurrum 1229 Higeree.

Preamble.

WHEREAS Regulations have from time to time been passed for raising a revenue for the support of the state by means of Stamps on bonds, deeds of conveyance, and other instruments executed by individuals, and on pleadings filed in the Courts of Judicature; and whereas those Regulations are in many respects defective in regard to clearness and simplicity, by which means individuals are liable to suffer injury in their property without any real intention of defrauding Government: And whereas there are grounds to believe, that considerable abuses have been committed by some of the native officers attached to the different Courts of Civil Judicature, in collecting and bringing to credit the prescribed fees on the institution of suits, and on exhibits and summonses for witnesses: And whereas it will tend to prevent such abuses, and will otherwise promote the convenience both of Government and of the community to consolidate the institution fee with the duty already levied by means of a Stamp on that part of the pleadings; The following Rules have been enacted, to be in force from and after the 1st May 1814; corresponding with the 20th Bysack 1221 Bengal era; the 27th Bysack 1221 Fussily; the 21st Bysack 1221 Willaity; the 12th Bysack 1871 Sumbut; and the 10th Jumadi-o-Awul 1229 Higeree, throughout the territories immediately dependent on the Presidency of Fort William.

Regulations rescinded.

II. Sections IV to XXX. Regulation VI, 1797; Regulation X, 1797; Regulation VII, 1800; Section XXII, Regulation XI, 1801; Sections IV to XXVI, Regulation XLIII, 1803; Regulation XIII, 1806; Regulation VIII, 1807; Regulation VII, 1809; Section II, Regulation XII, 1810; Regulation XII, 1812; Regulation XVI, 1813; and generally all Rules respecting the duties levied by means of stampt paper, shall be Rescinded from and after the 1st May 1814; corresponding with the 20th Bysack 1221 Bengal era; the 27th Bysack 1221 Fussily; the 21st Bysack 1221 Willaity; the 12th Bysack 1871 Sumbut; and the 10th Jumadi-o-Awul 1229 Higeree.

A general Stamp Office to be eſtabliſhed at or near the Preſidency, under a covenanted ſervant, who ſhall be deſignated the Superintendent of Stamps.

III. *First.* A general Stamp Office shall be established at or near the Presidency, under the superintendence of a civil covenanted servant of the Honourable Company, to be designated "The Superintendent of Stamps;" and all paper or other material intended for any of the purposes hereinafter mentioned, shall be stampt at his office, and counterstampt at the general treasury of Government.

The Superintendent of Stamps to be ſubordinate to the Board of Revenue, and to take an Oath as preſcribed in Appendix No. 1, of the preſent Regulation.

Second. The superintendent of stamps shall be subordinate to the Board of Revenue; and previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed in the Appendix (Form No. 1,) before one of the members of that Board.

He ſhall prepare and tranſmit Stamps to the different officers.

Third. The superintendent shall prepare and transmit to the different officers entrusted with the disposal of stamps, the quantities which they may require for use in their respective districts.

What account of Stamps to be kept by him.

Fourth. The superintendent shall keep an account of the quantity and value of stamps prepared by him, of the issue of stamps, of the sums brought to credit in the several districts; and of the quantity of stamps remaining in store; and he

shall prepare and submit to the Board of Revenue such periodical reports and statements as they may require.

The Superintendent to proceed in perſon to any diſtrict, in which he or the Board of Revenue may conceive his preſence neceſſary, for the detection of forgeries or other abuſes.

Fifth. It shall be the duty of the superintendent of stamps to proceed in person to any district in which he or the Board of Revenue may at any time conceive that his presence is necessary, with the view of detecting forgeries, or other abuses or irregularities committed in the sale of stamps. In like manner it shall be the duty of the Board of Commissioners to depute an officer for that purpose to any district subject to their superintendence, in which they may have grounds to believe that offences of that nature are committed.

The Board of Commiſſioners may depute an officer to any diſtrict ſubject to their ſuperintendence, for the ſame purpoſes.

No Stamp to be valid, or iſſued from the Stamp Office, until it ſhall have received the prescribed counterſtamp at the General Treaſury.

IV. *First.* No stamp shall be valid, or be issued from the stamp office until the paper, parchment, leaf of the taur tree (taur puttah), or other material on which the stamp has been impressed, shall have received the prescribed counterstamp at the General Treasury.

The Sub-Treaſurer to keep an account of the Stamps which may be counterſtamped by him, and to tranſmit it to the Board of Revenue at the cloſe of each official year.

Second. The sub-treasurer shall keep an account of the quantity and value of the stamps, which may be counterstamped by him, which account shall be transmitted to the Board of Revenue, at the close of each official year, in order that it may be compared with the accounts of the superintendent.

Only one ſet of Stamps applicable to every purpoſe for which Stamps are required by the preſent regulation to be uſed. Inſcriptions thereon.

V. *First.* One set of stamps applicable to every purpose, for which stamps are required by this Regulation, shall hereafter be used in the general stamp office, bearing inscriptions in the English, Persian, Bengally and Nagree characters, as follow:—

One anna,	Fifty rupees,
Two annas,	One hundred rupees,
Four annas,	One hundred and fifty rupees,
Eight annas,	Two hundred and fifty rupees,
One rupee,	Three hundred and fifty rupees,
Two rupees,	Five hundred rupees,
Four rupees,	Seven hundred and fifty rupees,
Eight rupees,	One thousand rupees,
Sixteen rupees,	Two thousand rupees.
Thirty-two rupees,	

In ordinary caſes the Stamps to be impreſſed on paper of the manufacture of Bengal or Behar, and the Board of Revenue to regulate the ſizes of the paper.

Copies of proceedings and judgments of the Sudder Dewanny Adawlut in appeal to His Majeſty in Council to be on paper of European manufacture, bearing a Stamp of the value preſcribed in the preſent regulation.

Taur puttah to be uſed in certain diſtricts.

Perſons deſirous of having inſtruments executed on vellum, parchment or other material, entitled to have the ſame ſtampt on paying the eſtabliſhed duty.

Bonds, deeds, and other inſtruments executed on ſuch material, if duly ſtampt, will be received in evidence in the courts of judicature.

Second. The above stamps shall in ordinary cases be impressed on paper of the manufacture of Bengal or Behar, and it shall be the duty of the Board of Revenue to regulate the sizes of such paper, in such manner as may be best adapted to the convenience of the community, without injury to the public revenue, according to the true intent and meaning of the rules contained in the present Regulation; provided however, that paper of European manufacture, bearing a stamp of the value hereinafter specified, shall be used for the copies of the proceedings and judgments of the Court of Sudder Dewanny Adawlut, which may be appealed to His Majesty in Council; provided also, that the superintendent shall always keep in deposit a sufficient supply of the leaf of the taur tree (taur-puttah) duly stampt for the use of those districts in which that material is ordinarily employed for the execution of certain instruments, instead of paper; provided likewise, that if any person shall be desirous of having any instrument executed on vellum, parchment, or any other material, instead of paper, or taur-puttah, he shall be entitled to have the same stampt supposing it to correspond nearly with the regulated size of stampt paper, on paying the established duty. Bonds, deeds of conveyance, and other instruments, executed on any material of the above description, will accordingly be receivable, if duly stampt, in evidence in the courts of judicature, in the same manner as if such instruments had been executed on common paper according to the ordinary practice of the stamp office.

To prevent forgery, the ſuperintendent or other officers acting under his authority, to endorſe his written official ſignature on the back of each piece of ſtampt paper or other material.

VI. With the view of preventing as far as possible the forgery of stampt paper, it shall be the duty of the superintendent of stamps or such officer or officers, acting under his authority, as may be nominated for that purpose by Government, to indorse his written official signature on the back of each piece of stampt paper or other material.

VII. It

VII. It shall be the duty of the mint master at Calcutta, to cause the dies, on the application of the Board of Revenue, and in conformity to such suggestions as they may offer, to be engraved at the mint.

Dies to be prepared at the Mint at Calcutta.

VIII. The size or shape of the dies shall be changed as often as that Board may deem necessary, with the view of detecting or preventing forgeries. Provided however, that nothing herein contained, shall be construed to authorize the Board of Revenue to alter the prescribed impression of the Dies.

Size and shape of the Dies may be changed as often as the Board of Revenue may deem it neceſſary.

Preſcribed impreſſion not to be altered.

IX. From and after the period fixed for the operation of this Regulation, any bond, promissory note, bill of exchange, letter of credit, or other obligation for the payment of money; any receipt or acquittance by which any sum of money or demand shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied; any deed of gift, sale, devise, or other transfer of property, real or personal; any lease, deed of mortgage or other limited assignment of land; any deed of contract, partnership, agreement, security or engagement, which may not have been written on paper bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received or filed in any Court of Judicature. Provided however, that if any person shall inadvertently have taken any such bond or other instrument on paper, or any other material, not bearing the prescribed stamp, and shall present the same to any collector of the land revenue within sixty days from the execution of it, with a penalty equal to ten times the amount of the stamp duty, which would have been payable on such bond or other instrument in the first instance, if it had been prepared on paper, or other material bearing the prescribed stamp, it shall be transmitted by the collector to the superintendent of the stamp office, for the purpose of being duly stampt. Provided also, that if any bond or other instrument required to be written on stampt paper, shall be produced in a Court of Judicature, having a stamp or signature apparently forged, the judge or other officer, before whom the document may be exhibited, shall make the necessary enquiry, previously to admitting the said instrument in evidence, to satisfy himself whether the paper or other material on which it was written, was purchased at either of the regular places established for the vend of stamps. If it shall appear that the paper or other material was so purchased, (the proof of which must of course rest with the person producing it,) and that it bear a stamp and signature resembling those prescribed by this Regulation, it shall be admitted, notwithstanding any doubts which may exist of its authenticity; but in the contrary case, that is, supposing the judge or other officer to be satisfied that the stampt paper upon which the deed produced may be written, was not purchased from any of the authorized venders, or, if so purchased, that the party producing it was privy to the forgery, the deed in question shall be rejected as inadmissible in evidence.

Bonds or other inſtruments not written on paper bearing the preſcribed Stamp, not to be admitted in evidence, or received in any Court of Judicature.

Proviſo.

What ſteps ſhould be taken as to bonds or inſtruments having ſtamps or ſignatures apparently forged.

X. *First.* An office for the sale and distribution of stamps shall be established in each district, under the superintendence and responsibility of the collectors of the land revenue, who shall receive a commission of five per cent on the gross produce derived from the sale and distribution of stamps in such district.

An office to be eſtabliſhed in each diſtrict for the ſale and diſtribution of Stamps under the ſuperintendence of the Collectors of the Land Revenue, who ſhall be allowed a commiſſion.

Second. The collectors shall indent upon and grant receipts in duplicate to the superintendent of the general stamp office for such quantities of stamps as may be required by them for the supply of their respective districts.

The Collectors to indent upon the ſuperintendent of the General Stamp Office for ſuch quantities of Stamps as they may require.

Third. A darogah of stamps shall be appointed at each of the stations of the collectors and assistant collectors, who shall be paid by commission, or by salary, or partly commission and salary, as the Board of Revenue and Board of Commissioners, with the sanction of Government, may deem most advisable.

A Darogah of Stamps to be appointed at each of the ſtations of the collectors, who ſhall be paid either by ſalary or commiſſion.

Fourth. It shall be the duty of the darogah of stamps to count and examine the stamp paper received from the stamp office, and to countersign the receipts granted by the collector.

Duty of the Darogah of Stamps.

Fifth. Licensed venders of stampt paper shall be established in every pergunnah, or at such places as the Board of Revenue and Board of Commissioners may determine; who shall be paid by salary or commission, or partly by salary and commission, as those Boards respectively may, with the sanction of Government direct. It shall be the duty of the collectors to cause those officers to be at all times adequately supplied with the requisite quantities of each sort of stampt paper. In like manner, it shall

Licenſed venders of Stampt Paper to be eſtabliſhed in certain places, who ſhall be paid either by ſalary or commiſſion, and to be at all times adequately ſupplied with the requiſite quantities.

shall be the duty of the Board of Revenue and Board of Commissioners at all times to satisfy themselves, that no obstacles occur to the mercantile business, or other pecuniary transactions of the country, from any delay or difficulty in procuring stampt paper required for the conduct of the affairs of individuals.

Stamp Darogahs and persons authorized to retail Stamps, to execute certain engagements and to receive certain sunnuds.

Sixth. Every stamp darogah and every person authorized to retail stamps, shall give security to the collector for the due performance of an engagement to be executed by him, agreeably to the forms prescribed in the Appendix Nos. 2 and 3, and shall receive a sunnud prepared agreeably to the forms Nos. 4 and 5.

What accounts to be kept by the Stamp Darogahs.

Seventh. The stamp darogah shall keep an account of the quantity and value of stamps supplied by him to the different venders, and every vender shall keep a day book, exhibiting the stamps sold by him, which day book shall be transmitted to the zillah stamp office at the end of each month, and every vender shall, on receiving a supply of stampt paper for sale from the stamp darogah, grant a receipt for it, he shall at the same time carefully examine the stampt paper entrusted to his charge to satisfy himself that it bears the government stamp, which he must certify in the receipt granted to the stamp darogah.

The Collectors to transmit to the General Stamp Office, such accounts as may be required by the Superintendent.

Eighth. The collectors shall transmit to the general stamp office, such accounts as the superintendent may require, with the consent and approbation of the Board of Revenue.

No other person to sell Stamps, excepting those authorized by the present Regulation, under pain of prosecution and punishment.

Ninth. No person, excepting the superintendent of stamps, the collectors of the land revenue, or other European officers invested with the charge of the office for the sale and distribution of stamps, and the authorized native venders shall be deemed competent to sell stamps; and any other person who may sell stamps, in opposition to this prohibition, shall be liable to be prosecuted for such act before the magistrates, and punished on conviction, to the full extent of the powers vested in the Magistrates by the general Regulations.

What Instruments to be written on stampt paper, and how the value is to be regulated.

XI. From and after the date specified in the preamble to this Regulation, every bond, promissory note, bill of exchange, letter of credit, or other obligation for the payment of money; every receipt or acquittance, whereby any sum of money or demand shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied; every deed of gift, sale, devise, or other transfer of property, real or personal; every lease, deed of mortgage, or other limited assignment of land; every deed of contract, partnership, agreement, security, or engagement, which may be executed within the provinces subject to the presidency of Fort William in Bengal, shall be written on paper (or some other material impressed with the government stamp, the value of which stamp shall be regulated as follows:—

TABLE.

1. If the Bond or other instrument shall be for a sum not exceeding sixteen rupees, or if the value of the property transferred or otherwise affected by it, shall not exceed sixteen rupees, the deed shall be executed on stamp paper of the value of one anna.
2. If above 16 rupees, and not exceeding 64 rupees—two annas.
3. If above 64 rupees, and not exceeding 125 rupees—four annas.
4. If above 125 rupees, and not exceeding 250 rupees—eight annas.
5. If above 250 rupees, and not exceeding 500 rupees—one rupee.
6. If above 500 rupees, and not exceeding 1,000 rupees—two rupees.
7. If above 1,000 rupees, and not exceeding 2,000 rupees—four rupees.
8. If above 2,000 rupees, and not exceeding 5,000 rupees—eight rupees.
9. If above 5,000 rupees, and not exceeding 10,000 rupees—sixteen rupees.
10. If above 10,000 rupees, and not exceeding 20,000 rupees—thirty-two upees.
11. If above 20,000 rupees, and not exceeding 50,000 rupees—fifty rupees.
12. If above 50,000 rupees, and not exceeding 100,000 rupees—one hundred rupees.
13. If above 100,000 rupees—one hundred and fifty rupees.

All Pottahs, Caboolyets or other instruments relative to lands held exempt from the payment of

XII. To prevent misconstruction, it is hereby declared, that every lease and its counterpart (pottah and caboolyet) or other engagement contracted between landlord and tenant, every receipt (dakelah) or other acknowledgement for the payment

of

of rent, is required to be written on paper bearing the prescribed stamp, supposing that such lease, receipt, or other instrument relate to lands held exempt from the payment of revenue to government; but that instruments of the correspondent descriptions, which have relation to lands subject to the payment of revenue to government, need not be written on stampt paper.

revenue to government, to be written on ſtampt paper.

But ſuch inſtruments relative to Lands ſubject to the payment of revenue to Government, need not be written on ſtampt paper.

XIII. From and after the date specified in the preamble to this Regulation, the fees hitherto paid on the institution of civil actions, on summonses, and on exhibits, shall be discontinued, and the following stamp duties shall be levied in lieu thereof:

Fees hitherto paid on the inſtitution of civil actions, on ſummonſes and on exhibits to be diſcontinued, and a ſtamp duty to be levied in lieu thereof.

TABLE.

In suits instituted in any court of judicature, and in appeals preferred from the judgments of any such court to a superior court, if the amount or value of the property claimed shall not exceed sixteen rupees, the plaint or petition shall be written on paper of one rupee.

If above 16 rupees, and not exceeding 32 rupees—two rupees.

If above 32 rupees, and not exceeding 64 rupees—four rupees.

If above 64 rupees, and not exceeding 150 rupees—eight rupees.

If above 150 rupees, and not exceeding 300 rupees—sixteen rupees.

If above 300 rupees, and not exceeding 800 rupees—thirty-two rupees.

If above 800 rupees, and not exceeding 1,600 rupees—fifty rupees.

If above 1,600 rupees, and not exceeding 3,000 rupees—one hundred rupees.

If above 3,000 rupees, and not exceeding 5,000 rupees—one hundred and fifty rupees.

If above 5,000 rupees, and not exceeding 10,000 rupees—two hundred and fifty rupees.

If above 10,000 rupees, and not exceeding 15,000 rupees—three hundred and fifty rupees.

If above 15,000 rupees, and not exceeding 25,000 rupees—five hundred rupees.

If above 25,000 rupees, and not exceeding 50,000 rupees—seven hundred and fifty rupees.

If above 50,000 rupees, and not exceeding 100,000 rupees—one thousand rupees.

If above 100,000 rupees—two thousand rupees.

XIV. *First.* In suits for land paying revenue to government, the value of the property shall be assumed in the ceded and conquered provinces, including Cuttack, at the amount of the annual jumma payable on account of the land in question to government; and in the provinces of Bengal, Behar, Benares and Orissa, excepting Cuttack, as already noticed, at three times the amount of the annual jumma payable on account of the land to Government.

In ſuits for land paying revenue to Government, the value of the property how to be aſſumed.

Second. In suits for land held exempt from the payment of the public revenue to Government, the value of the property shall be assumed throughout the country at eighteen times the amount of the computed annual produce of the land.

In ſuits for land held exempt from the payment of revenue to Government, the value of the property how to be aſſumed.

Third. In suits for houses, gardens, tanks, or other property, real or personal, excepting the two descriptions of lands mentioned in the two preceding clauses, and in actions for the recovery of damages in matters relating to marriage, cast, or any personal injury, the value shall be estimated according to the rule contained in Section III, Regulation IV, 1793, and Section III, Regulation III, 1803.

In ſuits for houſes gardens, or other property, and in actions for the recovery of damages in matters relating to marriage, &c. the value how to be eſtimated.

Fourth. It is not intended by the provisions of this Regulation to deprive the registers of the zillah and city courts, or the native commissioners, of the established proportion of the fees hitherto received on suits which may be instituted in the zillah and city courts, and referred to them for decision. But as those fees are now incorporated, under Section XIII of the present Regulation, with the stamp duty payable on the plaint or petition, it shall be the duty of the zillah and the city judges to cause accounts of the proportion of the fees receivable by the registers and native commissioners under the existing rules to be prepared at the expiration of every month, and to attest the same with their seals and official signature. The account so authenticated, shall be deemed a sufficient warrant to the collectors for the payment of the amount receivable on the above account by the registers and native commissioners.

Regiſters and native Commiſſioners entitled to receive the fees incorporated with the ſtamp duty under Section XIII, of the preſent Regulation.

No exhibit to be filed without a derkhauſt or application praying its admiſſion, written on ſtampt paper of a preſcribed value.

XV. No exhibit shall be filed in any court of judicature without a derkhaust or application, praying the admission of the exhibit; which derkhaust shall be written on stampt paper, as follows:

In the court of the register, on paper of the value of eight annas.

In the zillah and city courts, on paper of the value of one rupee.

In the provincial courts of appeal, and in the Sudder Dewanny Adawlut, on paper of the value of two rupees.

No ſummons to be iſſued for the attendance of a witneſs without a derkhauſt written on ſtampt paper of the value ſpecified in the preceding ſection.

XVI. In like manner, no summons shall be issued for the attendance of any witness without a derkhaust or application, praying the attendance of such person, which derkhaust shall be written on stampt paper of the value specified in the preceding section, according to the court in which it may be delivered and recorded.

Every Anſwer, Replication and Rejoinder, &c. which may be filed in any ſuit, to be written on ſtampt paper of a ſpecified value.

XVII. Every answer, replication, and rejoinder; every supplement, razenamah, sooloonamah, ruffanamah, or petition, which shall hereafter be filed in any suit, shall be written on stampt paper, as follows:—

In the court of the register, on paper of the value of eight annas.

In the zillah and city courts, on paper of the value of one rupee.

In the provincial courts of appeal, and in the Sudder Dewanny Adawlut, on paper of the value of four rupees.

Miſcellaneous Petitions and Applications of certain deſcriptions in the Revenue and Judicial Departments, to be written on ſtampt paper of a ſpecified value.

XVIII. All miscellaneous petitions and applications which may be presented to the different authorities in the Revenue and Judicial Departments, all mooktearnamahs, wakalutnamahs, and all charges preferred to the magistrates for adultery, fornication, rape, calumny, abusive language, slight trespass, or inconsiderable offences, (excepting always cases of mayhem, actual affrays, and tumultuary assemblies of the people,) shall be written on stampt paper, as follows:—

If preferred to a collector or assistant collector of the land revenue or customs, to either of the superintendents of police, to a zillah or city judge, or magistrate; or to any other authority subordinate to the provincial courts, on paper of eight annas.

If preferred to a provincial court of appeal or circuit, on paper of one rupee.

If preferred to the court of Sudder Dewanny or Nizamut Adawlut, or to the Board of Revenue or Board of Commissioners, on paper of two rupees.

No Copy of any paper to be authenticated by any public Officer, or received in evidence, unleſs tranſcribed on ſtampt paper, according to the rates ſpecified in this ſection.

XIX. No copy of any paper shall be authenticated by any public officer, or received as evidence in any court of judicature, unless transcribed on stampt paper, according to the following rates; viz.

Copies of decrees passed by registers and by judges of the city and zillah courts, shall be written on paper of the value of one rupee.

Copies of decrees passed by the provincial courts of appeal, on paper of two rupees.

Copies of decrees passed by the court of Sudder Dewanny Adawlut, shall be written on paper of four rupees.

Copies of the proceedings of the court of Sudder Dewanny Adawlut, prepared in order to be transmitted to His Majesty in Council, shall be transcribed on paper of the value of two rupees.

Authenticated copies of revenue and judicial proceedings; authenticated copies of accounts, statements, reports, or other documents, which individuals may require for use or reference, shall be written on paper of the value of eight annas.

The Board of Revenue and Board of Commiſſioners to cauſe the greateſt poſſible publicity to be given to the preſent Regulation, and the rates of duty eſtabliſhed in it.

XX. It shall be the duty of the Board of Revenue and Board of Commissioners respectively, to cause the greatest possible publicity to be given to the provisions of the present regulation, and especially to the rates of duty thereby established on stampt paper.

The Board of Reventie and Board of Commiſſioners, and the officers acting under their authority, to adopt all legal and proper meaſures for the conviction and puniſhment of perſons forging or ſelling ſtampt paper, or guilty of other abuſes.

XXI. It shall likewise be the duty of the Board of Revenue and Board of Commissioners, and of the officers acting under that authority, to adopt all legal and proper measures for the conviction and punishment of persons suspected of forging or selling stampt paper, or uttering it, knowing it to be forged; and likewise for the punishment of any authorized vender of stamps, either by means of a criminal prosecution, or by dismission from office, as may appear most proper according to the circumstances of the case, who may be guilty of exacting more than the prescribed rates for the sale of stamps.

XXII. The

XXII. The collectors and assistant collectors of the land revenue, shall in ordinary cases be vested with the charge of the stamp office, ordered by the present Regulation to be established in each zillah. The Governor General in Council however reserves to himself the power of nominating any other public officer, or deputing specially any other covenanted servant of the Honourable Company to take charge of any such stamp office in any district, in which that measure may appear to him to be advisable; and persons so nominated or deputed shall be entitled to exercise all the powers, and enjoy the emoluments granted to collectors of the land revenue by this Regulation.

The Collectors of the Land Revenue shall be vested, in ordinary cases, with the charge of the Stamp Office ordered to be established in each zillah, and power reserved to Government, to nominate any other public officer to take charge of any such office.

APPENDIX.

No. 1.

OATH.

" I A. B. appointed Superintendent of the Stamps, solemnly swear, that I will diligently and faithfully execute the duties of the said office, according to the best of my knowledge and judgment; and that I will not directly or indirectly derive, or knowingly allow any person to derive, any pecuniary advantage or emolument from, or on account of any matters relating to the said office, excepting such as may be expressly authorized by the Governor General in Council.

" So help me GOD."

No. 2.

FORM of ENGAGEMENT to be executed by persons appointed to the office of Stamp Darogah.

" I A. B. appointed by the collector of C———, to be stamp darogah, do hereby engage to perform the duties attached to the office of stamp darogah.

" I will carefully count, and examine the stamps transmitted from the general stamp office, and attest the receipts executed by the collector for the same, and likewise prepare the indents for the supplies of stamps which may be required from the superintendent.

" I will cause the different stamp venders established in the district to be supplied in pursuance of such instructions as I may receive from the collector, with proper quantities of stampt paper, and I will carefully examine, and compare the accounts of such stamp venders.

" I will be responsible for the accounts of the stamp office, and for the value of the paper entrusted to my charge; and I will do every thing in my power to prevent imposition and fraud in the stamp office, and will submit to the collector any information which I may obtain respecting the forgery or fabrication of stamps.

" Executed before me this ——— day of ———.

(Signed) " C. D. *Collector*."

No. 3.

FORM of ENGAGEMENT to be executed by persons appointed to the office of Stamp Vender.

" I A. B. appointed to vend stamps at C——— ———, in the pergunnah D———, in the district of E———, do hereby engage faithfully to observe the following conditions:—

" 1st. That I will carefully examine every stampt paper which may be entrusted to me for sale, and certify in my receipts for the same, that such paper bears the stamp of government, and the signature of the superintendent or his assistant.

" 2d. That I will not charge more for any stamp or stamps entrusted to me for sale, than the established price for such stamp or stamps.

" 3d. That I will monthly prepare and deliver to the stamp darogah, or such persons as may be authorized to receive the same, a faithful account of all the stampt paper which may be sold by me, and will likewise specify the balance which may remain

remain in store, under my charge, and will on no account allow any person to take stampt paper away without receiving and bringing to account, the price of such stampt paper."

" Executed before me,
this ——— day of ———.
(Signed) " C. D. *Collector.*"

No. 4.

FORM of SUNNUD to be granted to Persons appointed to the Office of Stamp Darogah.

L. S.

" Whereas A. B. has executed the engagement prescribed by Clause Sixth, Section X, Regulation I, 1814, to be entered into by persons appointed to the office of stamp darogah; I, C. D. collector of E———, do hereby constitute and appoint the said A. B. to be darogah of the zillah stamp office under my charge.

" Given under my hand and seal,
this ——— day of ———.
(Signed) " C. D. *Collector.*"

No. 5.

FORM of SUNNUD to be granted to Persons appointed to the Office of Stamp Vender.

L. S.

" Whereas A. B. has duly executed the engagement required by Clause Sixth, Section X, Regulation I, 1814, to be executed by persons authorized to sell stamps; I, C. D. collector of E———, do hereby authorize the said A. B. to be a stamp vender, and to open an office for the sale of stamps at ———, in pergunnah ———, in the district under my charge.

" Given under my hand and seal,
this ——— day of ———.
(Signed) " C. D. *Collector.*"

A. D. 1814. REGULATION II.

A REGULATION for modifying the Rules before established for the Trial of Suits proposed to be instituted against any of the Public Officers, who have been declared amenable, for acts connected with the discharge of their official Duties, to the jurisdiction of the Courts of Civil Judicature:—Passed by the Governor General in Council, on the 29th January 1814, corresponding with the 17th Maug 1200 Bengal era; the 23d Maug 1221 Fussily; the 18th Maug 1221 Willaity; the 8th Maug 1870 Sumbut; and the 6th Suffer 1229 Higeree.

Preamble.

WHEREAS it is enacted in Sections II and III, Regulation VIII, 1806, that whenever a suit may be proposed to be instituted against a Collector or any other public Officer, amenable for acts connected with his official duties to the jurisdiction of the Zillah or City Court, the Provincial Court, or Sudder Dewanny Adawlut, the Court by which the plaint may be received, shall transmit it to the Governor General in Council, who after making such enquiry through the channel of the Board of Revenue, Board of Commissioners, Board of Trade, or other public authority as may be judged proper, will determine whether the redress solicited shall be granted by Government, or whether the complainant shall be left to seek his remedy

remedy in the regular course of law, and in the latter case whether the suit should be defended on the part of Government as a public action, or by the person affected by the complaint in his individual capacity: And whereas inconvenience has been experienced from the delay incident to that course of proceeding, and from its tendency to multiply references to the public authorities; the following rules have been enacted, to be in force from the period of their promulgation throughout the Provinces immediately dependant on the Presidency of Fort William.

Sections II and III, Regulation VIII, 1806, Rescinded.

II. Sections II and III, Regulation VIII, 1806, are hereby Rescinded.

Whenever a Petition of complaint may be preferred against a Collector or other person for acts connected with his official duties, the Judge or Judges of the Civil Court by whom the Petition may be received, is to transmit it to the Board to whose authority the person complained against may be subject.

III. *First.* Whenever a petition of complaint may be preferred against a collector of the land revenue or customs, a commercial resident, salt agent, or opium agent, or other person amenable for acts connected with his official duties, shall be presented to any court of civil judicature competent to receive and try such cases, the judge or judges of such court shall transmit the petition so received to the Board of Revenue, Board of Commissioners, or Board of Trade, according as the person against whom the complaint may be preferred, may be subject to either of those authorities.

The Boards, on receipt of any such Petition, to determine whether the redress solicited should be granted directly by Government, or whether the complainant should be left to prosecute his suit in the regular course of law.

Second. The Board of Revenue, Board of Commissioners, or Board of Trade, on receipt of any petition of the nature described in the preceding clause, shall immediately take the circumstances stated therein into their consideration, in order to judge whether the redress solicited should be granted directly by Government, or whether the complainant should be left to prosecute his suit in the regular course of law.

The Boards how to act when the party complaining may be actually aggrieved, and may appear entitled to redress from Government.

Third. Should the Board of Revenue, Board of Commissioners, or Board of Trade be of opinion, after making due enquiries on the subject either by consulting their own records, or by a reference to the local authorities, or in any other mode which may be judged advisable, that the party complaining has been actually aggrieved, and that he is entitled to redress directly from Government, they shall submit the necessary report on the subject, accompanied with their opinion, as to the nature and extent of the relief which should be granted.

And how to act in case the complainant should be left to prosecute the suit in the regular course of law.

Fourth. Should the Board of Revenue, Board of Commissioners, or Board of Trade be of opinion, after making due enquiries on the subject, that the party complaining should be left to prosecute the case in the regular course of law, they shall inform the judge or judges of the court from whom the petition may have been received, of the result of their deliberations on that point; and such communication shall be deemed sufficient authority for the formal institution and trial of the suit in question. The Boards aforesaid shall at the same time determine whether the suit should be defended by the public officers as an action against Government, or by the person affected by the complaint in his individual capacity, and shall inform the judge or judges by whom the case may have been referred to them of their decision on this point accordingly.

The provisions of this Regulation only applicable to cases mentioned in Sections II and III, Regulation VIII, 1806, and not to charges mentioned in Regulation XVII, 1813.

IV. In order to prevent misconstruction, it is hereby declared, that the foregoing provisions are only intended to apply to cases of the description of those mentioned in Sections II and and III, Regulation VIII, 1806, and are not to be considered applicable to charges of corruption, for the receipt and trial of which separate provisions have been established by Regulation XVII, 1813.

A. D. 1814. REGULATION III.

A REGULATION for extending the provisions of Regulation XIII, 1813, to the stations at which the magistrates reside in the divisions of *Dacca, Moorshedabad, Calcutta* and *Patna*:—Passed by the Governor General in Council, on the 5th February 1814; corresponding with the 24th Maug 1220 Bengal era; the 1st Phaugoon 1221 Fussily; the 25th Maug 1221 Willaity; the 1st Phaugoon 1870 Sumbut; and the 13th Suffer 1229 Higeree.

Preamble.

WHEREAS Regulation XIII, 1813, contains rules for the appointment and maintenance of chokeydars, in aid of the regular police, at the cities of Dacca, Moorshedabad and Patna: And whereas it is on every ground expedient and proper that those provisions should be extended to the several stations, at which the magistrates ordinarily reside, in the divisions of Calcutta, Dacca, Moorshedabad and Patna; The following Rules have been accordingly enacted by the Governor General in Council.

Regulation XIII. 1813, extended to the ſeveral ſtations at which the Magiſtrates reſide in the diviſions of Calcutta, Dacca, Moorſhedabad and Patna.

II. Regulation XIII, 1813, is hereby extended to the several stations at which the zillah magistrates ordinarily reside in the divisions of Calcutta, Dacca, Moorshedabad and Patna; to be in force in the districts in which the Bengal era is current, from the 12th April next, being the commencement of the Bengal year 1221; and in the districts in which the Fussily era is current, from the 30th September next, being the commencement of the Fussily year 1222; and in the districts in which the Willaity era is current from the 26th September next, being the commencement of the Willaity year 1222.

A. D. 1814. REGULATION IV.

A REGULATION for repealing Regulation VIII, 1812:—Passed by the Governor General in Council, on the 11th March 1814, corresponding with the 29th Phaugoon 1220 Bengal era; the 5th Chyte 1221 Fussily; the 30th Phaugoon 1221 Willaity; the 5th Chyte 1871 Sumbut; and the 18th Rubbi-ul-Awul 1229 Higeree.

Preamble.

WHEREAS it has been deemed proper, with reference to the provision contained in the 53d George III, Cap. 155, Section 21, to repeal Regulation VIII, 1812; The following Rules have been passed, to be immediately in force.

Regulation VIII. 1812, Repealed.

II. Regulation VIII, 1812, intituled, "A Regulation for declaring the manufacture of Saltpetre to be a monopoly on the part of Government," is hereby Repealed.

Saltpetre ſubject to what duties.

III. To prevent misconstruction, the officers in the department of customs are hereby required to observe, that the rule contained in Clause First, Section XII, Regulation IX, 1810, as modified by Section II, Regulation XIX, 1812, under which saltpetre is subject to a transit duty of seven and a half per cent. is in full force and effect. In like manner the provision contained in Regulation III, 1811, by which saltpetre is liable to an additional duty of seven and a half per cent. when exported on foreign bottoms, is also in full force and effect.

A. D. 1814. REGULATION V.

A REGULATION for amending such parts of the Regulations before enacted as relate to the appointment of the Judges of the Provincial Courts of Appeal and Circuit.—Passed by the Governor General in Council, on the 19th March 1814, corresponding with the 7th Chyte 1220 Bengal era; the 13th Chyte 1221 Fussily; the 8th Chyte 1221 Willaity; the 13th Chyte 1871 Sumbut; and the 26th Rubbi-ul-Awul 1229 Higeree.

Preamble.

WHEREAS it is provided by the Regulations before enacted, that the Provincial Courts of Appeal and Circuit shall consist each of three Judges; and whereas experience has shewn that three persons are inadequate to the performance of the multifarious and laborious duties of those courts; and whereas it is expedient to make provision for the more regular, uniform and expeditious trial of civil suits in those courts, and for the more prompt dispatch of other business at the principal stations of the said courts, the following Rules have been enacted; to be in force from the period of their promulgation, throughout the provinces immediately dependent on the Presidency of Fort William.

Such former Regulations as provide that the Provincial Courts shall be ſeverally ſuperintended by three Judges, Reſcinded.

II. *First.* Such parts of Section II, Regulation V, 1793; Section II, Regulation IX, 1795; and Section II, Regulation IV, 1803, and of any other rules as provide that the provincial courts shall be severally superintended by three judges, are hereby Rescinded.

The ſeveral Provincial Courts to conſiſt each of four Judges.

Second. The provincial courts for the divisions of Calcutta, Dacca, Moorshedabad, Patna, Benares and Bareilly, shall consist each of four judges; to be denominated the first, second, third and fourth judges of those courts respectively.

The Judges to exerciſe both civil and criminal juriſdiction.

Third. The judges of the above-mentioned courts shall exercise both civil and criminal jurisdiction, under such rules as have been or may be established for their guidance in the discharge of those important functions.

The former rules, which provide that the ſenior Judge ſhall proceed in rotation

III. *First.* Section VIII, Regulation I, 1806, and any other provisions which require that the senior judge of each division shall in future proceed in rotation on the

the circuit, for the purpose of holding the half-yearly jail deliveries at the several stations, &c. are hereby Rescinded.

on the circuit for the purpose of holding the half-yearly jail deliveries, Rescinded.

Second. The duties of the circuit, including the jail deliveries at the principal stations, shall in ordinary cases be performed in regular succession by the second, third and fourth judges of the said courts, and the first judge shall remain fixed for the conduct of the public business at the principal station, under such rules as have been or may be established for that purpose; provided however, that nothing contained in this section shall be construed to preclude the Governor General in Council or the Nizamut Adawlut from ordering the first judge to hold the session of jail delivery at the principal station or at any other station or stations, whenever any exigency may in the judgment of either of those authorities, appear to require the services of the first judge of either of the provincial courts in the discharge of such duty.

The duties of circuit, including the jail deliveries at the principal stations, to be performed in regular succession, by the second, third and fourth Judges.

The senior Judge to remain at the principal station for the conduct of the public business.

Proviso, in what cases the first Judge may be ordered to hold the sessions.

A. D. 1814. REGULATION VI.

A REGULATION for modifying certain parts of Regulation IX, 1810, and Regulation I, 1812:—Passed by the Governor General in Council, on the 19th March 1814; corresponding with the 7th Chyte 1220 Bengal era; the 13th Chyte 1221 Fussily; the 8th Chyte 1221 Willaity; the 13th Chyte 1871 Sumbut; and the 26th Rubbi-ul-Awul 1229 Higeree.

WHEREAS with a view to the more accurate adjustment, and effectual collection of the established duties, it has been deemed advisable to make certain alterations in the Regulations before enacted; and whereas it has been deemed just and reasonable to relieve the inhabitants of the late foreign factories from the payment of double duties, so long as those factories shall continue on their present footing; the following Rules have been enacted, to be in force from the period of their promulgation, throughout the territories immediately dependent on the Presidency of Fort William.

Preamble.

II. Under Clause First, Section XII, Regulation IX, 1810, a duty of two and a half per cent. is leviable on indigo, the produce of the dominions of His Excellency the Nawaub Vizier on its exportation by sea. There being reason however to believe that on the exportation by sea of indigo manufactured in the Vizier's territories, the payment of the prescribed duty has been evaded by the exporters withholding their rowannahs, and declaring that it is the produce of the territories of the British Government; it is hereby declared, that all indigo which may be intended for exportation by sea, and for which the rowannahs may not be produced by the exporters, shall be deemed and taken to be the manufacture of the Vizier's dominions, and shall be subject to the payment of the duty of two and a half per cent. established on the exportation of all indigo of that description, if it be exported on British bottoms, and of seven and a half per cent. if it be exported on foreign bottoms.

Indigo, if intended for Exportation by sea, and for which the rowannahs may not be produced by the exporters, shall be deemed and taken to be the manufacture of the Vizier's dominions, and subject to what Duties.

III. By Clauses First and Second Section XV, Regulation IX, 1810, it is provided, that a book of rates specifying the value of the several articles chargeable with duty ad valorem, shall be prepared by the collectors of customs, and that such book shall be revised and republished at the expiration of every third year. With a view to the convenience of the community, and the most accurate adjustment possible of the customs, it is hereby enacted, that the said book of rates shall be revised and republished annually; and as soon after the expiration of each year as possible.

The Book of Rates prescribed by Clauses First and Second, Section XV, Regulation IX, 1810, to be revised and republished annually.

IV. *First.* The operation of Clause Second, Section XCVII, Regulation IX, 1810, is hereby suspended.

The operation of Clause Second, Section XCVII, Regulation IX, 1810, suspended.

Second. Goods imported into the late foreign factories from the interior of the country so long as those places shall continue on their present footing, shall be subject only to the same rate of duty as goods exported from Calcutta on British bottoms.

Goods imported into the late foreign factories from the interior of the country subject to what Rates of Duty.

Third. Clause Second, Section XCVII, Regulation IX, 1810, will however of course be in full force and effect without any further enactment, should the factories therein described be restored on the conclusion of a peace, to the powers to which they formerly belonged, or ceded to any other foreign power.

Clause Second, Section XCVII, Regulation IX, 1810, to be again in force, should the factories be restored on the conclusion of a peace.

V. By Section XX, Regulation I, 1812, it is required, that all applications for drawbacks shall be accompanied by the rowannah or rowannahs covering the goods intended

No Drawbacks will be granted, unless the applications for them

be accompanied by the goods, as well as by the rowannahs.

intended to be exported. It is hereby further declared, that no such drawbacks will be granted, unless the applications for them shall be accompanied by the goods, as well as by the rowannahs, to enable the officers of the customs to ascertain that the goods are contained in the original packages, and that they are the identical goods specified in the rowannahs.

A cuſtom-houſe eſtabliſhed in the town of Saharunpore.

VI. A custom house for the more effectual collection of the established transit duties or government customs is hereby established at the town of Saharunpore in the conquered provinces; and the general rules which are at present in force, or may be hereafter enacted, with respect to duties of that description, shall be considered applicable to the custom house at Saharunpore, in common with those established in other parts of the country.

A. D. 1814. REGULATION VII.

A REGULATION for modifying a part of the provisions contained in Regulation X, 1809, respecting the copper coinage of the province of Benares:—Passed by the Governor General in Council, on the 29th April 1814; corresponding with the 18th Bysaak 1221 Bengal era; the 25th Bysaak 1221 Fussily; the 19th Bysaak 1221 Willaity; the 10th Bysaak 1871 Sumbut; and the 8th Jummadi-ul-Awul 1229 Higeree.

Preamble.

WHEREAS it is enacted in Section II, Regulation X, 1809, that the copper coin required for the province of Benares shall be struck at the Calcutta mint: And whereas inconvenience has been experienced from the delay incident to that arrangement; The following Rules have been enacted, to be immediately in force in the province of Benares.

Part of Section II, Regulation X, 1809, Reſcinded.

II. *First.* So much of Section II; Regulation X, 1809, as prescribes that the copper coin required for the province of Benares, shall be struck at the Calcutta mint, is hereby Rescinded.

Copper Coin required for the province of Benares, to be in future ſtruck at that city.

Second. The copper coin required for the province of Benares, shall be in future struck at the city of Benares.

The figure of a Tirſool to be impreſſed on the Copper Coin. Preamble.

III. In compliance with established usage, the figure of a Tirsool shall be impressed on all the copper coin, which may hereafter be struck at the city of Benares.

A. D. 1814. REGULATION VIII.

A REGULATION for extending the Provision contained in Clause Second, Section IV, Regulation III, 1812, to cases of Murder, Arson, and Theft:—Passed by the Governor General in Council, on the 13th May 1814; corresponding with the 1st Jeyte 1221 Bengal era; the 9th Jeyte 1221 Fussily; the 2d Jeyte 1221 Willaity; the 9th Jeyte 1871 Sumbut: and the 22d Jummadi-ul-Awul 1229 Higeree.

WHEREAS it is essential to the maintenance of an efficient police, that zemindars, farmers, and others should furnish the magistrates with punctual information of all murders, and of the offences of arson and theft committed within the limits of the estate or farm held by them; the following Rule has been enacted, to be in force from the period of its promulgation throughout the territories immediately dependent on the presidency of Fort William.

Zemindars and others accountable for early and punctual information of the commiſſion of Murders, Arſon, and Theft within the limits of their eſtates or farms.

II. With the view of affording to the magistrates more early and punctual information of public offences committed within the limits of their respective jurisdictions, all zemindars, talookdars and other proprietors of lands, whether malgoozary or lackeraje; all sudder farmers and under renters of land, of every description; all dependant talookdars, all naibs, and other local agents; all native officers employed in the collection of the revenue and rents of lands on the part of Government, or of the court of wards, are hereby declared especially accountable for the early and punctual communication to the magistrates or police darogahs, of all information which they may obtain respecting the commission of murders, and likewise regarding the offences of arson and theft, perpetrated within the limits of the estate or farm held or managed by them; and any landholder or other description of persons above noticed, to whom such responsibility is declared to attach, who may neglect to give the information hereby required, to the police darogah

darogah, or to the magistrate, shall, on proof of such neglect, after an inquiry similar to that directed by Section XIII, Regulation IX, 1808, be sentenced by the magistrate to pay a fine, or to suffer imprisonment not exceeding the limitation therein specified.

A. D. 1814. REGULATION IX.

A REGULATION for explaining the extent and meaning of Regulation XIII, 1813, and Regulation III, 1814:—Passed by the Governor General in Council on the 17th May 1814; corresponding with the 5th Jeyte 1221 Bengal era; the 13th Jeyte 1221 Fussily; the 6th Jeyte 1221 Willaity; the 13th Jeyte 1871 Sumbut; and the 26th Jummadi-ul-Awul 1229 Higeree.

Preamble. WHEREAS it is enacted by Regulation III, 1814, that the provisions contained in Regulation XIII, 1813, shall extend to the several stations at which the magistrates ordinarily reside: And whereas it is expedient to obviate any doubts which might otherwise arise respecting the classes of persons subject to the operation of the said Regulations, the following Rules have been enacted, to be in force in the districts in which the Bengal era is current, from the period of their promulgation; and in the districts in which the Fussily era is current, from the 30th September next, being the commencement of the Fussily year 1222; and in the districts, in which the Willaity era is current, from the 26th September next, being the commencement of the Willaity year 1222.

Description of persons who are subject to the operation of Regulation XIII, 1813, and Regulation III, 1814. II. Regulation XIII, 1813, and Regulation III, 1814, shall extend, from the periods above mentioned respectively, to all and every person and persons whomsoever, British subjects and others, resident or being within the districts in which the said Regulations are or shall be respectively in force.

A. D. 1814. REGULATION X.

A REGULATION for explaining so much of Regulation I, 1814, as relates to engagements contracted between Government and Individuals:—Passed by the Governor General in Council on the 20th May 1814; corresponding with the 8th Jeyte 1221 Bengal era; the 16th Jeyte 1221 Fussily; the 9th Jeyte 1221 Willaity; the 1st Jeyte 1871 Sumbut; and the 29th Jummadi-ul-Awul 1229 Higeree.

Preamble. WHEREAS Regulation VII, 1800, generally has been rescinded by Section II, Regulation I, 1814: And whereas it was not the intention of the Governor General in Council by such rescission to require, that engagements which might be contracted between Government and individuals should be written on stampt paper, the following Rules have been passed, declaratory of the intentions of Government on that point.

Explanation of certain Provisions contained in Regulation I, 1814. II. Nothing contained in Section IX, Regulation I, 1814, or in any other section of that Regulation, shall extend or be construed to extend to engagements which have been or may be contracted between Government and individuals, for the provision of the Honourable Company's investment, or regarding the manufacture of salt, or the culture of the poppy and the manufacture of opium, or the manufacture or sale of spirituous or fermented liquors or intoxicating drugs, or any other matter in which Government may be one of the contracting parties.—All such engagements, and likewise the various instruments mentioned in Section IX, Regulation I, 1814, to which Government has been or may be a party, shall be received and admitted in evidence in the different Courts of Judicature, although written on plain or unstampt paper, any thing contained in the said Regulation to the contrary notwithstanding.

A. D. 1814. REGULATION XI.

A REGULATION to make further provision for the Punishment of Persons convicted of breaking into, or attempting to break into, Houses, Tents, Boats, or other places of habitation, or into Warehouses or other Places used for the custody of Property, with an intent to Steal:—Passed by the Governor General in Council, on the 27th May 1814; corresponding with the 15th Jeyte 1221 Bengal era; the 23d Jeyte 1221 Fussily; the 16th Jeyte 1221 Willaity; the 9th Jeyte 1871 Sumbut; and the 6th Jummadi-us-Sanee 1229 Higeree.

Preamble.

THE Punishments, which the Courts of Circuit are directed to adjudge by Sections III and IV, of Regulation I, 1811, on conviction of the crimes therein specified, are not more than adequate to the exemplary punishment of offenders so convicted, when there may be no special circumstances of extenuation, to warrant and call for a mitigation of the prescribed Penalties. But no provision is made in the above-mentioned Regulation for a mitigated sentence by the Courts of Circuit, who have in consequence found it necessary to refer the trial to the Nizamut Adawlut, in every instance wherein the stated punishment has appeared too severe. The following rules have consequently been enacted, to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Fort William; with the view also of expediting the trial of persons committed to prison or held to bail in the 24 Pergunnahs, the provision hereinafter stated has been adopted, to be immediately in force in that zillah.

Sections II, III, and IV, Regulation I, 1811, modified.

II. *First.* The provisions contained in Sections II, III, and IV, of Regulation I, 1811, for the punishment of persons convicted of the offences therein specified, are hereby declared subject to the following modifications.

Sentence to be paſſed on perſons convicted of breaking into, or attempting to break into a place of habitation, by night or day, with an intent to ſteal, but without open violence.
Or into a place uſed for cuſtody of property.
Or being preſent, aiding and abetting in any of the ſaid offences.
Or having cauſed the perpetration by hire, counſel, or command.
Or having confederated with the perpetrators.
Unleſs there appear to be circumſtances of extenuation.
In which caſe the Judge of Circuit may mitigate the preſcribed ſentence under ſtated Reſtrictions.

Second. When a prisoner may be convicted before a Court of Circuit of breaking into or attempting to break into a dwelling house, tent, boat or other place of habitation, by night or by day, with an intent to steal; but without open violence, such as to constitute the crime of robbery by open violence; or of breaking into, or attempting to break into, any warehouse, storehouse, or other building or place used for the custody and preservation of property, either by night or day, with an intent to steal, but without open violence; or of being present, aiding and abetting in the commission of any of the offences above specified; or although not present, of having procured or caused the perpetration thereof by hire, counsel or command, or having in any manner confederated with the perpetrators in pursuance of a preconcerted plan; the Judge of Circuit, provided he shall concur in the futwa of the law officer, convicting the offender, whether such conviction be founded on a free and voluntary confession, or on the testimony of credible witnesses, or on strong circumstantial evidence, shall pass sentence upon the prisoner so convicted, according to the nature of the case, and the several degrees of punishment specified in Section III, Regulation I, 1811; unless from any circumstances of extenuation, such as the tender age of the prisoner, or his not having been armed, or the offence not having been committed by two or more persons, the Judge of Circuit shall be of opinion that the punishment stated in the above-mentioned Section would be too severe; in which case he is authorized to mitigate the sentences therein prescribed, under the following Restrictions.

What mitigation allowed in convictions of breaking into, or attempting to break into a place of habition, with intent to ſteal between ſun-ſet and ſun-riſe.

Third. The sentence of imprisonment in banishment from the District, during fourteen years, and corporal punishment not exceeding thirty-nine stripes of the corah, prescribed in Clause First, of Section III, Regulation I, 1811, for the offence of breaking into a house, or other place of habitation, with an intent to steal, between sun-set and sun-rise, and now extended to an attempt to commit the said offence, may be mitigated in cases of extenuation, to such period of imprisonment with or without stripes or banishment, as the Judge of Circuit may consider sufficient, not being less than seven years.

And what, in convictions for the ſame offence between ſun-riſe and ſun-ſet.

Fourth. The sentence of imprisonment in banishment for seven years, and corporal punishment not exceeding twenty stripes of the corah, prescribed by Clauses Second and Third, of Section III, Regulation I, 1811, for the offence of breaking into a house or other place of habitation, with an intent to steal, between sun-rise and sun-set, as well as for the offence of breaking into a warehouse, storehouse, or other building or place used for the custody and preservation of property, with an intent to steal, either by night or by day, and now extended to an attempt to commit either of the said offences, may be mitigated, in cases of extenuation, to

Or for breaking into, or attempting to break into a place uſed for the cuſtody of property, with intent to ſteal by day or night.

such period of imprisonment, with or without stripes and banishment, as the Judge of Circuit may consider sufficient, not being less than three years.

Judges of Circuit to record their reasons for exercise of discretionary powers vested in them.

Fifth. The Judges of Circuit shall in all cases, wherein they may exercise the discretionary power vested in them by the preceding Clauses, record their reasons for the mitigated sentence passed by them; and if in any instance a just consideration of all the circumstances of the case shall appear to them to call for a further mitigation or remission of punishment, they shall (provided they concur with their law officers in the conviction of the prisoner) pass sentence according to the preceding Clauses, and refer the trial, with a full report of their sentiments, to the Court of Nizamut Adawlut, for the final sentence or order of that Court, in pursuance of Section III, Regulation XIV, 1810.

And if further mitigation of punishment appear requisite, to pass sentence according to the preceding clauses, and refer the trial to the Nizamut Adawlut with a full report.

Rules for holding the quarterly jail deliveries in the 24 Pergunnahs, Rescinded.

III. Such parts of Section IV, Regulation II, 1804, and of any other Regulation, as enact that the jail deliveries shall be holden quarterly in the 24 Pergunnahs, are hereby Rescinded.

The jail deliveries in the 24 Pergunnahs to be holden monthly.

IV. The jail deliveries shall be in future holden monthly in the 24 Pergunnahs, to commence on the 1st day of each month, or as soon afterwards as circumstances may permit.

A. D. 1814. REGULATION XII.

A REGULATION for securing to the invalid Native Officers, Soldiers and others, the reduced Pay or Pension granted to them for their support on retiring from Service:—Passed by the Governor General in Council, on the 27th May 1814; corresponding with the 15th Jeyte 1221 Bengal era; the 23d Jeyte 1221 Fussily; the 16th Jeyte 1221 Willaity; the 9th Jeyte 1871 Sumbut; and the 6th Jummadi-us-Sanee 1229 Higeree.

Preamble.

WHEREAS it is just and expedient that the reduced pay or pensions of invalid native officers, soldiers and other persons, granted as a provision to worn out and disabled military and other public servants on their retirement from the service of the State, should be strictly and invariably applied to the purpose for which they have been granted by the beneficence of the Government, that is to say, to the support of the veteran or old and infirm servant of the State, and not be liable to be diverted from that purpose for the discharge of previous debts, or in consequence of subsequent bargains or agreements, which the artifices of designing persons, practising on the simplicity of the invalid soldier and pensioner, may induce him to enter into; whereby the beneficent and charitable views of the Government are defeated, and the money of the state, which the liberality of the Government bestows on the veteran and worn out public servant, for his support and maintenance in old age and infirmities, is diverted to the use and benefit of persons who have no claim upon the State nor right to be paid out of its resources;—therefore the following Rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation.

Pensions granted by Government to invalid native officers and soldiers not to be seized, or attached at the instance of a creditor, or in satisfaction of a decree of court.

II. The reduced pay or pension, however denominated, of invalid officers and soldiers and retainers of the army, being persons amenable, by reason of their birth in India or for other cause, to the jurisdiction of the Courts of Dewanny Adawlut, or any other monthly or annual pecuniary allowance granted on retirement from the public service, by the authority of the Governor General in Council, to any person amenable to the jurisdiction of courts of Dewanny Adawlut, in consideration of past services and present infirmities or old age, for the term of the life of such worn out or disabled officer or public servant, is hereby declared not liable to seizure, attachment, or sequestration at the instance of a creditor for any demand against the pensioner, or in satisfaction of a decree or order of court, nor any money due or to become due on account of such pension or allowance; unless the same have been assigned or made over by the pensioner by a writing under his signature, executed previous to the date of the promulgation of this Regulation.

Exception in what case.

All assignments, bargains, sales, &c. which may be made by a pensioner after the date of the promulgation of this Regulation, for money to be due thereafter on account of his pension, to be null and void and of no effect. In what case excepted.

III. All assignments, bargains, sales, contracts, agreements or securities whatsoever, made after the date of the promulgation of this Regulation by such pensioner as described in the foregoing section, for any money to become due thereafter on account of his pension, shall be null and void and of no effect. But nothing herein contained shall be construed to prevent or render null the assignment of money due on account of a pension or monthly or annual pecuniary allowance, by a writing under the signature of the pensioner, executed on or after the date when the same shall become due.

A. D. 1814. REGULATION XIII.

A REGULATION for the abolition of the office of Cutwal in the cities of *Dacca*, *Patna*, and *Moorshedabad*:—Passed by the Governor General in Council, on the 10th June 1814; corresponding with the 29th Jeyte 1221 Bengal era; the 7th Assar 1221 Fussily; the 30th Jeyte 1221 Willaity; the 7th Assar 1871 Sumbut; and the 20th Jummadi-us-Sanee 1229 Higeree.

Preamble.

WHEREAS Regulation XXII, of 1793, contains rules for the appointment of a native officer, under the designation of Cutwal, in each of the cities of Dacca, Patna, and Moorshedabad: And whereas there appears reason to believe that the continuance of the office of cutwal is unnecessary, and in some respects prejudical to the maintenance of an efficient Police in the aforesaid cities; The following Rules have been enacted, to be in force from the date of their promulgation.

Parts of Regulation XXII, of 1793, and other existing Rules which define the duties of the Cutwal in the cities of Dacca, Patna and Moorshedabad, Rescinded.

II. Such parts of Sections XXVI, XXVIII, XXIX, XXXI, XXXII, XXXIV, XXXVI, XXXVIII, and XXXIX, Regulation XXII, of 1793, or of any other rules now in force, as define the duties of the cutwal in the cities of Dacca, Patna, and Moorshedabad, are hereby Rescinded.

The office of Cutwal in Dacca, Patna and Moorshedabad, Abolished.

III. The office of cutwal in the cities of Dacca, Patna, and Moorshedabad, is hereby Abolished.

A. D. 1814. REGULATION XIV.

A REGULATION for forming the Zillah of the 24 Pergunnahs into Two distinct Jurisdictions:—Passed by the Governor General in Council, on the 14th June 1814; corresponding with the 1st Assar 1221 Bengal era; the 11th Assar 1221 Fussily; the 2d Assar 1221 Willaity; the 11th Assar 1871 Sumbut; and the 24th Jummud-us-Sance 1229 Higeree.

Preamble.

WHEREAS it has been judged essential, on account of the great and increasing population of the suburbs of Calcutta, and with reference to certain arrangements, which have been adopted for the more effectual support of the Police in the city of Calcutta, that the district of the 24 Pergunnahs should be divided into two distinct jurisdictions; The following Rules have been enacted, to be in force from the 1st August next.

The places comprised in the jurisdiction of the Judge and Magistrate of the 24 Pergunnahs formed into two distinct zillahs. How to be denominated.

II. The places at present comprised in the jurisdiction of the judge and magistrate of the 24 Pergunnahs shall, from the date specified in the preamble to this Regulation, be formed into two zillahs, one zillah to be denominated the suburbs of Calcutta, and the other the 24 Pergunnahs beyond the suburbs of Calcutta.

The suburbs of Calcutta to consist of what thannahs.

III. *First.* The suburbs of Calcutta shall consist of the thannahs of Chitpore, Manicktullah, Tazeerhaut, Nowhazarry, and Sulkeeah.

The 24 Pergunnahs to consist of what thannahs and places.

Second. The 24 Pergunnahs shall consist of all the thannahs and places at present included in the district so called; with exception to the thannahs specified in the preceding clause.

Reservation of power to the Governor General in Council for making any alterations in the abovementioned zillahs, when deemed expedient.

Third. Provided however, that nothing herein contained shall be construed to prevent the Governor General in Council from making any alteration in the limits of the said zillahs, or of any of the zillahs adjacent, conformably to the powers usually exercised by the Government in cases of that nature, which may at any time be deemed necessary or expedient.

A. D. 1814. REGULATION XV.

A REGULATION to define the Punishment to which Persons convicted of two or more Offences, shall in certain cases be subject:—Passed by the Governor General in Council, on the 21st June 1814; corresponding with the 8th Assar 1221 Bengal era; the 18th Assar 1221 Fussily; the 9th Assar 1221 Willaity; the 4th Assar 1871 Sumbut; and the 2d Rajeeb 1229 Higeree.

WHEREAS it is requisite to define the punishment to be adjudged on conviction of certain crimes, in cases in which the same prisoner may be convicted, on separate

separate charges and commitments, of two or more offences, the penalties of which, in the aggregate, may include a period of imprisonment exceeding the term of fourteen years; The following Rules have been enacted to be in force, from the promulgation of them, throughout the territories immediately dependent on the Presidency of Fort William.

Discretion vested in the Courts of Circuit to reduce the prescribed penalties in cases of conviction of two or more distinct offences, when the aggregate punishment may exceed 39 stripes with a corah, and imprisonment for 14 years; and the prisoner may not be liable, on any one of the charges established against him, to a sentence of death or imprisonment for life.

II. *First.* Whenever a prisoner may be brought to trial before a Court of Circuit, for two or more distinct offences, included in separate commitments, and may be convicted at the same session of two or more offences, the prescribed penalties of which, under the Regulations in force, may exceed in the aggregate thirty-nine stripes with a corah, and imprisonment for fourteen years, but may not, for the crime established against the prisoner on any one commitment, amount to death or imprisonment for life, (in which case the trial would be referable to the Nizamut Adawlut;) the Judge of Circuit is authorized to reduce the prescribed punishments for the whole of the offences of which the prisoner may be so convicted at the same session, so as not to exceed in the aggregate thirty-nine stripes with a corah, and imprisonment, in banishment from the district, for a term of fourteen years, provided he shall be of opinion, on consideration of the several acts of criminality established against the prisoner, and the circumstances of each case, that the punishment above specified is sufficient. If the Judge of Circuit however should be of opinion that the prisoner is deserving of imprisonment for a longer period than fourteen years, he shall pass sentence in the several cases for the punishment prescribed by the Regulations, (except that the number of stripes to be adjudged against a prisoner, at any one session of a Court of Circuit, shall not exceed thirty-nine;) and shall transmit the proceedings on each case, with a report of the circumstances, and his sentiments on the punishment which should be inflicted upon the prisoner, for the final sentence or order of the Court of Nizamut Adawlut.

Proviſion if the priſoner appear to be deſerving of impriſonment for a longer term than 14 years. The Judge of Circuit to paſs ſentence in ſuch caſe for the puniſhment preſcribed by the Regulation; ſtripes excepted; which ſhall never exceed 39 at any one ſeſſions, and to tranſmit the proceedings on each trial for the final ſentence of the Nizamut Adawlut.

The principle of the preceding clauſe, applicable to caſes wherein the priſoner, convicted and puniſhed at a former ſeſſion, may be brought to trial and convicted at a ſubſequent ſeſſion of another offence committed anterior to the firſt ſentence; but not to any new offence committed by the priſoner ſubſequent to his conviction of a former offence.

Second. The principle of the above clause shall be also considered applicable to cases, in which prisoners convicted and sentenced at a preceding session of a Court of Circuit, may be convicted at a subsequent session of another offence committed before their first conviction and sentence. But it is not meant to apply to any new offence committed by a person, after his conviction of a former offence, whether the period of confinement to which he may have been sentenced for his former offence shall have expired at the time of his committing the subsequent offence or otherwise.

If a priſoner be liable, on one or more convictions before a Court of Circuit, to a ſentence of 14 years impriſonment, the Judge may diſpenſe with the trial of any other charges againſt the ſame priſoner, provided a conviction of ſuch additional charges would not ſubject the priſoner to a ſentence of death or perpetual impriſonment. The Judge of Circuit to report all inſtances wherein he may exerciſe this diſcretion, to the Nizamut Adawlut, who are competent to direct, that the priſoner ſhall be brought to trial on the remaining charge or charges.

Third. When a prisoner, committed or held to bail, for trial before a Court of Circuit, on two or more distinct charges, may be liable on one or more convictions to a sentence of imprisonment for fourteen years; and the further charge or charges against the prisoner may not be such as would, on conviction, subject him to a sentence of death or imprisonment for life, it shall not be requisite for the Judge of Circuit to try such additional charge or charges, unless there shall appear to be special and sufficient cause for trying the same: Provided, that whenever a Judge of Circuit may exercise the discretion thus vested in him, he shall report the same with his reasons to the Court of Nizamut Adawlut, in the statement transmitable to that court, of sentences passed by the Court of Circuit, or if the trial held upon the prisoner be on any account referable to the Nizamut Adawlut, in the letter accompanying such trial; and it shall be competent to the Nizamut Adawlut to order a further trial of the remaining charge or charges against the prisoner, in all cases wherein that court may judge it proper so to direct.

A. D. 1814. REGULATION XVI.

A REGULATION for extending the provisions of Regulation XIII, 1813, to the Stations at which the Magistrates reside in the divisions of *Benares* and *Bareilly*, with exception to the city of *Benares*:—Passed by the Governor General in Council, on the 23d June 1814, corresponding with the 10th Assar 1221 Bengal era; the 20th Assar 1221 Fussily; the 11th Assar 1221 Willaity; the 6th Assar 1871 Sumbut; and the 4th Rajeeb 1229 Higeree.

Preamble.

WHEREAS Regulation XIII, 1813, contains rules for the appointment and maintenance of chokeedars, in aid of the regular police, at the cities of Dacca, Moorshedabad,

Moorshedabad, and Patna: And whereas it is on every ground expedient and proper, that those provisions should be extended to the several stations at which the magistrates ordinarily reside in the divisions of Benares and Bareilly, with exception to the city of Benares, where a similar plan has been already established, and is in force and activity; The following Rules have been accordingly enacted by the Governor General in Council.

Regulation XIII, 1813, extended to the several stations at which the magistrates reside in the divisions of Benares and Bareilly, with exception to the city of Benares.

II. Regulation XIII, 1813, is hereby extended to the several stations at which the magistrates ordinarily reside in the divisions of Benares and Bareilly, with exception to the city of Benares, from the 30th September next, being the commencement of the Fussily year 1222; and it is hereby declared, that the said Regulation shall extend to all and every person and persons whomsoever, British subjects and others, resident or being at the stations in which the said Regulation shall be in force.

A. D. 1814. REGULATION XVII.

A REGULATION for the recovery of Arrears due from persons manufacturing or selling Spirituous Liquors, Taury, Putchwye, and intoxicating Drugs:—Passed by the Vice President in Council, on the 29th July 1814; corresponding with the 15th Sawun 1221 Bengal era; the 27th Sawun 1221 Fussily; the 16th Sawun 1221 Willaity; the 12th Sawun 1871 Sumbut; and the 11th Shabaan 1229 Hijeree.

Preamble.

WHEREAS it is essential that the Revenue Authorities should possess powers for the recovery of arrears due from persons manufacturing or selling spirituous liquors, taury, putchwye, and intoxicating drugs, without having recourse to the Courts of Judicature, the following Rule has been passed, to be in force from the period of its promulgation, throughout the provinces immediately dependent on the Presidency of Fort William.

What process to be applied in the recovery of arrears due from persons manufacturing or selling spirituous liquors, &c.

II. In addition to the Rules contained in Regulation X, 1813, it is hereby provided, that whenever an arrear may fall due from any person manufacturing or selling spirituous liquors, taury, putchwye, or intoxicating drugs, including opium, it shall be competent to the collector to enforce payment of such arrear from the defaulter or his surety, by the process which is, or may be in force, for the recovery of arrears of revenue due from farmers of land and their sureties, in the provinces subject to the superintendence of the Board of Revenue and Board of Commissioners respectively.

A. D. 1814. REGULATION XVIII.

A REGULATION for amending the Rules before enacted relative to the demand of Arrears of Public Revenue, and to the conduct of Sales of Land for the recovery of the same:—Passed by the Vice President in Council, on the 23d August 1814; corresponding with the 8th Bhadoon 1221 Bengal era; the 22d Bhadoon 1221 Fussily; the 9th Bhadoon 1221 Willaity; the 8th Bhadoon 1871 Sumbut; and the 6th Ramzaan 1229 Hijeree.

Preamble.

WHEREAS the existing Rules for serving written notices of the demand of an arrear of revenue in all cases, make it necessary to levy from defaulters sums for the subsistence of the peons serving such notices, which with respect to the inferior landholders is frequently productive of great inconvenience and loss; and it being expedient to dispense with the previous sanction of the Governor General in Council, for the sale of lands for the recovery of revenue; The following Rules have been enacted, to be in force from the period of their promulgation, throughout the territories immediately dependent on the Presidency of Fort William.

Modification of such of the existing Rules as relate to the process of notice to defaulters, and to the previous sanction of the Governor General in Council for the sale of lands for the recovery of public revenue.

II. In explanation and modification of Section III, Regulation XIV, 1793; Section VII, Regulation VI, 1795; and Sections III and VII, Regulation XXVII, 1803, and Clause second; Section XXIII, Regulation VII, 1799, as far as relates to the process of notice; and Section XI, Regulation I, 1801; Section XIX, Regulation VI, 1795, and Clause Fourth; Section, XIV, Regulation XXVI; and Section XIX, Regulation XXVII, 1803, as far as they relate to the previous sanction of the Governor General in Council, for the sale of lands; it is hereby provided, that whenever any portion of an instalment of revenue

payable in any month, remains undischarged on the first of the following month, the collector may forthwith, or at any subsequent time (such arrear still remaining undischarged) cause to be served on the defaulter a written demand, as directed by the Sections and Regulations above cited; or without issuing or causing to be served such written demand, may advertise lands the property of the defaulter for public sale, without first submitting a statement of these lands for the previous sanction of the Board of Revenue, or Board of Commissioners, supposing the lands so advertised to constitute an entire estate, or the whole of the defaulter's rights and interests in a joint estate, (in instances coming within the provisions of Sections IX and X, Regulation V, 1810.) But in such case the collector shall, with all convenient expedition, report the same to the Board of Revenue or Board of Commissioners, and shall await the receipt of the Board's sanction, and shall on no account proceed to the actual sale of lands so advertised without the express sanction of the Board, under whose authority he is placed; Provided that in all cases in which the lot proposed to be sold constitutes a part only of the defaulter's property in an estate, such lot shall not be advertised for sale, without a statement thereof, and of the jumma or revenue proposed to be apportioned thereon, being previously submitted to the Board of Revenue or Board of Commissioners, and the sale thereof sanctioned by the Board's authority.

Lands may be advertised for sale by the collectors, without making a previous reference to the Boards.

But report to be made without delay to the Board of Revenue or Board of Commissioners.

III. In cases in which a joint undivided estate (under butwarra) shall be advertised for sale, the rules at present in force applicable to such cases, shall be duly observed, with exception to that which requires the previous sanction of the Governor General in Council, for such sale enjoined in Section XI, Regulation I, 1801.

What Rules to be applicable in cases in which a joint undivided estate shall be advertised for sale. Exception

IV. On receipt of the collector's report of his having advertised lands of a defaulter for public sale, or on receipt of any statement of lands proposed by him for sale, the Board of Revenue, or Board of Commissioners will proceed without previous reference to the Governor General in Council, whether the arrear to be recovered be due on account of the current year, or of any former year or years, to determine whether the sale shall take place, and if so, whether at the office of the collector, and on the day specified in the advertisement already published by him (if such publication have been made) or of the Secretary of the Board at a time to be notified; Provided however, that if any circumstance shall occur to create doubts as to the propriety either on the ground of political expediency, or of its tendency to endanger the peace of the country, the said Boards shall state the circumstances of the case, with their opinion on the subject, to the Governor General in Council, for his consideration and orders.

The Boards how to proceed on receipt of the reports from the collectors of their having advertised lands for sale belonging to defaulters;

And the Boards in what cases to make a communication to the Governor General in Council for his orders.

V. Should the Board's sanction not be received in time to proceed to the sale on the day appointed, or should the absence or sickness of the collector, or other unavoidable cause, render necessary a postponement of a sale duly advertised, the collector will publish a notice of the day on which the postponed sale is to take place, and cause such notice to be affixed in some conspicuous place at his own office, and in the court room of the nearest Dewanny Adawlut, provided there be one within ten miles of the collector's cutcherry, and if not at the nearest moonsiff's cutcherry; and if such postponement exceed the limit of an adjournment from day to day, in the principal town or village, or other most conspicuous place in the lands to be sold.

The Collectors how to act in cases in which a postponement of a sale of lands duly advertised, may be found necessary.

A. D. 1814. REGULATION XIX.

A REGULATION for reducing to one Regulation, with alterations and additions, certain Regulations respecting the Partition of Estates paying Revenue to Government:—Passed by the Vice President in Council, on the 17th September 1814; corresponding with the 2d Assin 1221 Bengal era; the 18th Bhaudon 1221 Fussily; the 3d Assin 1221 Willaity; the 4th Bhaudon 1871 Sumbut; and the 2d Shawul 1229 Higeree.

WHEREAS difficulty has in many instances been experienced in providing fit persons to undertake the partition of estates paying revenue to Government, from the inadequacy of the remuneration prescribed in Regulation V, 1810, in some cases, particularly in instances when measurement of the land becomes necessary: And whereas it has been deemed expedient to make provision for defraying the expense attendant on such measurement, and for augmenting the remuneration to the aumeen appointed to make the partition, in cases where the Board of Revenue or

Preamble.

or Board of Commissioners may consider such augmentation equitable: And whereas it will tend to the public convenience to reduce to one Regulation, certain Regulations at present in force, respecting the partition of estates paying revenue to Government; the following Rules have been enacted, to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Regulations Rescinded.

II. Regulation XXV, 1793, Regulation XXVI, 1795, Sections XII and XIII, Regulation I, 1801, Section XXIX, and the remaining Sections of Regulation XXVI, 1803, Regulation VI, 1807, and Regulation V, 1810, are hereby Rescinded.

Division of estates to be made by the collector.

III. The division of every zemindarry, independent talook or other estate paying revenue immediately to Government, which may be ordered to be divided into two or more distinct estates, and the apportioning of the fixed jumma of the whole of the estate on the several shares, are to be executed under the superintendence of the collector of the district in which the estate may be situated.

Proprietors of a joint estate entitled to have a division of it at their own expense.

IV. *First.* If all the proprietors of a joint undivided estate shall be desirous to have their estate divided into two or more separate estates, they are to make a written application for that purpose to the collector of the district, under their seals and signatures, and attested by four credible witnesses, specifying the shares which belong to them respectively, and whether they ae desirous of having separate possession of their respective shares, or whether any two or more of them propose to hold their shares as a joint estate. On receipt of the written application above-noticed, the collector shall proceed to divide the estate into the number of shares requested, reporting the same to the Board of Revenue or Board of Commissioners, as the case may happen to be within the controul of the one or the other of those Boards; all authorized expenses incurred in making the division, are to be borne by the proprietors, in the proportion which the jumma of their respective shares after the division has been completed may bear to the jumma of the whole estate.

One, two or more proprietors of a joint estate entitled to have their shares separated, but collectors not to proceed to a division, should any of the parties in possession object to the right of the claimants to a separation, until the claim shall be established in a court of justice.

Second. If one, two or more of the proprietors of a joint estate held in common tenancy shall be desirous to have separate possession of his or their respective share or shares, or if two or more of them shall be desirous to have their shares separated and to hold them as a joint estate, they are to make a written application for that purpose to the collector under their seals and signatures, and attested by four credible witnesses. The collector on receipt of the application shall publish an advertisement, notifying the same to all parties concerned, and specifying that he shall proceed to make the division applied for in fifteen days from the date of the publication of the advertisement, unless any person or persons in possession of the estate or any part thereof, shall before the expiration of that time, deny by a writing under his or their seals and signatures, and attested by two credible witnesses, the right of such claimant or claimants to the share or shares so claimed by him or them, in which case the collector is not to proceed to the division until the disputed title be established in a court of justice, or admitted by the party or parties so disputing it by a writing to that effect under his or their seals and signatures, and attested by four credible witnesses.

Collector how to proceed when no objection is made.

Third. In the event of no denial being offered to the claim for separation in the form stated, and within the period limited in the foregoing clause, the collector shall proceed to make the division applied for in the mode hereafter described, reporting the same for the information of the Board of Revenue or Board of Commissioners, as the case may be; and all authorized expenses incurred in making the division are to be borne by the proprietors at large, in the proportions which the jumma of their respective shares, after the division has been completed, shall bear to the jumma of the whole estate. This last rule however is not to be understood to preclude the parties concerned from entering into a private adjustment among themselves of the proportions in which such expenses shall be severally borne by them; and whenever the whole amount demandable on that account shall be rendered to the collector by one or more of the parties, he shall receive the same accordingly, and on the contrary, if the amount be not so tendered, he is to enforce the rule as above laid down, and is to levy the amount (if it be not paid) by the same process against the sharer or sharers failing in the payment of their proportions, as is prescribed for levying arrears of revenue.

The foregoing Rule applicable to portions of estates consisting of distinct mohauls.

Fourth. The whole of the provisions of this section for the division of estates held in common tenancy, are to be considered equally applicable to the separation of portions of estates consisting of distinct mohauls.

V. Whenever

Courts of Juſtice to direct payment of the expenſes of diviſions in decrees awarding the proprietory right in diſputed caſes.

V. Whenever the courts of justice may pass a decree awarding to any person the proprietory right in a portion of an estate paying revenue to government (whether fractional or consisting of specific lands) and may issue a precept to the collector requiring him to divide the estate, and (provided it be not held khass, or let in farm by government) to put the parties in possession of the shares, to which they may be entitled under the decree, they shall make it a general rule to direct at the same time that the party or parties who may have withheld the right so decreed, shall defray the whole of the expense which may be incurred in the subsequent process of dividing, separating, and giving possession of, and apportioning the public revenue on the portion of the estate or lands so decreed. Provided however, that if any special reasons shall appear for a deviation from this general rule, the courts shall be at liberty to direct the expense in question to be defrayed by all, or any of the parties to the decree, in such proportions as the court passing the decree may, from a consideration of the particular circumstances of the case, deem equitable. Copies of all orders which the courts may pass under this section, are invariably to be transmitted to the collector for his guidance, together with the precept which the court may issue to him, requiring him to divide the estate, and to put the parties in possession of the shares to which they may be entitled under the decree.

Two or more eſtates which originally formed part of the ſame zemindarry, &c. may be united and regiſtered as one eſtate.

VI. If two or more estates that may have originally formed specific and ascertained portions of the same zemindarry, talook, or chowdrai, shall come into the possession of one person, or if one, two, or more persons shall possess two or more shares of any such estate, such person or persons shall be entitled to have such shares united and to hold them as one estate. Application for the union of estates is to be made to the collector of the zillah in writing under the seal and signature of the proprietor or proprietors, and attested by two credible witnesses, and the collector (provided he see no objection) shall comply with the application, and cause the necessary entries to be made in the records of his office, reporting the circumstance to the board to which the case may appertain.

Each eſtate to be as compact as poſſible.

VII. When a division of an estate shall be ordered to be made, each of the portions into which the property shall be directed to be divided shall be formed of entire, and (as far as the situation of the lands and other local circumstances may admit) contiguous mehauls or villages, so that each estate may be as compact as possible. Provided that if the property so ordered to be divided shall not consist of a sufficient number of villages to admit of one or more whole village or villages being included in each estate, the division of the village or villages of which the property may consist is to be made so as to render each estate as compact as possible.

Public revenue to be aſſeſſed upon each eſtate agreeably to the rules herein preſcribed.

VIII. The public revenue shall be assessed on each estate into which the property shall be ordered to be divided in conformity with the rules prescribed in Regulation I, 1793, with respect to estates situated in the provinces of Bengal, Behar and Orissa; Regulation XXVII, 1795, in the province of Benares; Regulation XXV, 1803, in the ceded provinces; Regulation IX, 1805, in the conquered provinces; and with Regulation XII, 1805, in the province of Cuttack; but in selecting the mehauls or villages to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads or navigable rivers, the nature and quality of the soil and produce, the quantity of waste land, the depth at which water may be procurable, the number of tanks, the state of the embankments and watercourses, and every other local circumstance affecting the present, or likely to influence the future value of the lands are to be duly considered, and the mehauls or villages to be included in each estate fairly and impartially selected accordingly.

Rules for ſelecting the lands to be included in each eſtate.

The dwelling houſe, &c. of one ſharer to be retained by him, although ſituated in the ſhare of another, on payment of rent.

IX. If a dwelling house belonging to one sharer shall be situated in a mehaul or village which may be included in the estate of another, the proprietor of such house shall be at liberty to retain it with the offices, buildings, and ground immediately attached to it, upon paying to the proprietor of the mehaul or village an equitable rent for the ground, and the limits of the ground and the rent to be paid for it shall be particularized in the paper of partition.

Rules with reſpect to tanks, embankments, &c.

X. Tanks, reservoirs, watercourses, and embankments shall be considered as attached to the land for the benefit of which they were originally made. In cases in which from the extent, situation or construction of works of this nature, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates, the paper of partition is to specify, as far as circumstances may admit, the proportion of the benefit which each estate is entitled to derive therefrom, and of the expense of the repairs with which it is to be charged.

And places of religious worſhip.

XI. Places of worship that may have been held in common previous to the division of a zemindarry or other estate, shall be continued on the same footing, unless the parties shall otherwise agree amongst themselves, in which case they are to signify their determination in writing to the aumeen, who shall insert it in the paper of partition.

Diviſions of an eſtate to be made by an aumeen to be appointed by the collector, and paid by a percentage on the jumma.

XII. When an estate shall be ordered to be divided, the collector shall appoint a creditable aumeen to make the division, who shall receive a percentage (as hereafter specified) on the amount of the jumma of the whole estate, as a remuneration for his trouble and the expense of establishment.

Oath to be taken by aumeens.

XIII. *First.* The collector is empowered and directed to administer the following oath to the aumeen, previous to his proceeding to make the division:—

"I, A. B. appointed to make the division of the estate of————————
"in the zillah of————————solemnly swear, That I will fairly
"and impartially, and as expeditiously as may be practicable, make the division
"of the property, and apportion the public revenue upon each distinct estate
"into which it is directed to be divided, to the best of my knowledge and
"judgment, according to the Regulations passed by the Governor General in
"Council; that I will not directly or indirectly, receive or allow any other
"person to receive any fee, present or reward whatever, from any of the
"sharers or any persons on their behalf, on account of the division or any
"matter connected therewith; that I will not derive any advantage or emolu-
"ment from my appointment, excepting such as may be expressly allowed to
"me and be authorized by this Regulation; and that I will deliver to the col-
"lector all such papers and accounts as may come into my possession respecting
"the estate which I am appointed to divide."

Penalty for aumeens convicted of corruption in oppoſition to their oaths.

Second. If the aumeen shall be convicted before the magistrate of the zillah of receiving or allowing any other person to receive directly or indirectly, any money or effects, or other property from the sharers, or from any person or persons on their behalf, in opposition to his oath, he shall be sentenced to pay a fine to Government of three times the amount of the money or value of the property so received by him, or by any other person with his permission, and to imprisonment not exceeding six months; and all prosecutions before the magistrate under this clause shall be for a criminal misdemeanour at the instance of the collector of the district, through the vakeel of Government. It is, however, at the same time hereby further declared, that the aumeen shall be also liable to a suit for the same offence in the Dewanny Adawlut of the zillah, and shall on conviction be compelled to restore the money or property to the party from whom it may have been received, with all costs to the party prosecuting, and be imprisoned until he shall make good the decree, or the amount of it shall be liquidated by the sale of his property.

Documents with which the collector is to furniſh the aumeen.

XIV. The collector is to deliver to the aumeen a sunnud of appointment under his official seal and signature, in which are to be specified the name of the estate, the names of the different sharers, their respective proportions, the number of separate estates into which the property is to be divided, and the shares included in each estate, together with a copy of the Regulations under which he is to make the division, and of any entries in the official records which may relate to the property to be divided.

Rates of percentage to be allowed to the aumeen.

XV. *First.* The percentage to be allowed the aumeen shall be calculated in the following gradations:—

On a jumma not exceeding 500 rupees, 10 per cent.

On a jumma exceeding 500 rupees, but not exceeding 1,000 rupees, 10 per cent on 500, and 8 per cent. on the remainder.

On a jumma exceeding 1,000 rupees, but not exceeding 2,500 rupees, on 1,000 as above, and 5 per cent. on the remainder.

On a jumma exceeding 2,500 rupees, but not exceeding 5,000 rupees, on 2,500 rupees as above, and on the remainder 3 per cent.

On a jumma exceeding 5,000 rupees, but not exceeding 10,000 rupees, on 5,000 as above, and on the remainder 2 per cent.

On a jumma exceeding 10,000 rupees, but not exceeding 25,000 rupees, on 10,000 as above, and on the remainder 1 per cent.

On a jumma exceeding 25,000 rupees, but not exceeding 50,000 rupees, on 25,000 as above, and on the remainder 8 annas per cent.

On

On a jumma exceeding 50,000 rupees, but not exceeding one lack, on 50,000 as above, and on the remainder 4 annas per cent.

On a jumma exceeding one lack of rupees to whatever amount, on one lack as above, and on the remainder 2 annas per cent.

In the above calculations fractions of rupees are to be rejected.

In cases in which a measurement of lands may be necessary, the aumeen to be separately paid for such duty.

Second. The percentage or commission, fixed under the foregoing Section, shall be considered as a remuneration to the aumeen only, and for such establishment as it may be necessary for him to entertain; but where a measurement of the lands may be necessary, the additional establishment of subordinate aumeens and other officers which may be requisite for the performance of this duty, shall be separately paid by the several sharers, in proportion to their respective interests in the estate, by a monthly allowance, to be approved by the collector.

The collector to advance one-third of the percentage to the aumeen.

Third. The collector on delivering the sunnud to the aumeen shall advance to him one-third of the above percentage, and the remaining two-thirds shall be subject to the following provisions.

Further advances to be issued, according to the progress made in forming the partition.

Fourth. When the partition shall be in such a state of forwardness as to be considered to be half completed, as ascertained from the admission of the parties concerned, or from any other sources of information or documents with which the collector shall be satisfied, one-third more shall be advanced to the aumeen, and the remaining one-third shall be paid on the collector receiving notification that the partition has been confirmed.

What course to be observed when the partition may not be confirmed.

Fifth. If the partition made by the aumeen be not confirmed, the Board of Revenue, or the Board of Commissioners are respectively empowered to declare the claim of the aumeen to the remaining portion of the commission to be forfeited or otherwise, as in their discretion on a consideration of the circumstances of the case, and the conduct of the aumeen they may deem proper.

Rules for proceeding in cases when the partition may not be made within a prescribed time.

Sixth. The collector shall on deputing the aumeen, fix such period as in his judgment will be sufficient for the completion of the partition, but in the event of extension of time being necessary, it shall be competent to the collector to extend the period from time to time as the nature of the duty shall be found to require: Provided that if an aumeen shall not make due progress in, or shall unnecessarily delay the completion of a partition, or shall be negligent, or be convicted of any misconduct in the execution of his duty, the collector shall immediately suspend the aumeen and report the circumstance to the Board, to which the case shall be subject, with an explanation of the cause of the delay; the Board on receipt of the report will, if there appear sufficient grounds, direct the aumeen to be removed from his trust, and his claim to all arrear of commission to be forfeited, and will make such further arrangement for the completion of the duty, as the nature of the case may require.

How the aumeen is to be paid when the percentage may be considered an inadequate remuneration.

Seventh. In the event of a partition being protracted to such a period, that the percentage to the aumeen may not be considered a sufficient remuneration for his trouble and the payment of his establishment, it shall be competent to the Boards respectively, to allot to the aumeen the whole or part of any fine or fines which may be levied under this Regulation, as on a consideration of the circumstances of the case and the conduct of the aumeen they may deem proper.

Rule for the appropriation of fines and percentage when the aumeen may be superseded.

Eighth. In the event of the aumeen being removed from his situation, and of another person being appointed to complete the duty, it shall be competent to the Boards respectively to appropriate the amount of such fines as well as of any forfeited arrear of percentage of the first aumeen to the payment of the expenses of the partition to be completed by the second aumeen.

Aumeen to survey the different parts of the estate in person.

XVI. Upon the arrival of the aumeen on the spot, he is to survey in person the different parts of the property, so as to enable him to select the lands to be included in each estate, in conformity to the rules prescribed in Sections VII, VIII, IX, X and XI.

Proprietors to furnish the aumeen with the necessary accounts to enable him to allot the jumma on the several shares.

XVII. *First.* The proprietors, or their local naibs or representatives, are to furnish the aumeen with the accounts of the gross produce of each mehaul and village, and all other accounts or information requisite to enable him to assess the public revenue on each of the estates into which the property is to be divided, in conformity to the rules prescribed in the present Regulation.

Proprietors, their local naibs or representatives, to swear to the truth of the accounts; or, if exempted from swear-

Second. The proprietors, or their local naibs or representatives, are to swear to the truth of the accounts before the aumeen; or if they shall be of the description of persons whom the Courts of Judicature are empowered to exempt from taking oaths, the collector is to authorize the aumeen to receive from them a solemn declaration

ing, to ſubſcribe the uſual declaration. Or, on omitting to furniſh the required accounts, declared liable to fine.

claration to the truth of the accounts. If the proprietors shall omit to furnish the required accounts, the persons withholding them shall be liable to such daily fine, until they produce them as the Board of Revenue or Board of Commissioners respectively may judge it proper to impose, upon a consideration of the case, and their situation and circumstances in life, and the amount of the fine shall be levied by the collector by the same process as is prescribed for levying arrears of revenue.

Such proprietors, &c. to cauſe their putwarries, &c. to attend the aumeen, under the penalty preſcribed in the preceding ſection. Putwarries refuſing to deliver their accounts, or acting contrary to the preſcribed rules, how to be proceeded againſt.

Third. The proprietors, or their local naibs or representatives, are likewise to cause the putwarries and other zemindarry officers to attend the aumeen to explain the accounts, and furnish him with such information as he may require for dividing the estate and apportioning the public jumma, under the penalty of being fined in the same manner as for omitting to produce their accounts. Putwarries refusing to deliver their accounts, or otherwise acting contrary to the Rules contained in Section LXII, Regulation VIII, 1793, and the corresponding Sections in Regulations XXVII, 1795, and XXIX, of 1803, shall be proceeded against as therein directed.

Documents to be delivered to the collector by the aumeen, when he has completed the diviſion.

XVIII. When the aumeen has completed the division of the property and allotted the public revenue on each estate, he is to submit to the collector the papers of the division and allotment, which are to specify the names of the mehauls or villages included in each separate estate into which the property may have been divided, the gross produce of each mehaul and village for the three years preceding the year in which the division may be ordered to be made, and the proportion of the public jumma which he may have assessed thereon, with such observations regarding the manner in which he may have selected the lands included in each estate, and the accounts from which he may have apportioned the public revenue of them, as may be necessary for the information of the collector, together with a detail of the adjustment which he may have made respecting the tanks, places of worship, or other matters specified in Sections IX, X, and XI, of this Regulation.

Collector, after examining the documents and hearing the objections of the parties, to draw out a paper of partition.

What the paper is to contain.

XIX. *First.* The collector shall examine the documents which may be delivered to him by the aumeen, and after receiving any objections or remarks which may be offered to him by the sharers in person, or by their vakeels, he shall draw out a paper of partition, specifying the mehauls or villages included in the several estates into which the property may have been divided, the gross produce of each mehaul or village, the allotment of the public jumma upon each, the name or names of the proprietor or proprietors of each estate, and, where an estate is to be held as the joint property of two or more persons, their respective shares in the estate, together with the stipulations which may have been made respecting any of the matters mentioned in Sections IX, X and XI, and transmit a copy of the paper to the Board of Revenue, or the Board of Commissioners, as the case may be, with such observations as may be necessary to enable them to judge, whether the division of the property, and the allotment of the jumma on each estate into which it may have been divided, have been made agreeably to the Regulations.

Collector how to act previouſly to forwarding the paper of partition to the Board of Revenue or Board of Commiſſioners.

Second. Previously to forwarding the paper of partition as required by the preceding clause, the collector shall furnish the sharers with a copy of it. In the event of the whole of the shares, by a written declaration under their seals and signatures, and attested by four credible witnesses, declaring their satisfaction with the partition statement so communicated to them, or in the event of none of the sharers offering any objection thereto, within fifteen days after they shall have respectively received the copies delivered to them, the collector, on receipt of the general declaration of satisfaction in the former case, or in the latter, on the expiration of the period above stated, shall proceed to put the parties in possession of their respective shares, reporting the same to the Board of Revenue or Board of Commissioners, and submitting to them a copy and translation of the partition statement and allotment of the assessment; but such allotment of the assessment shall not be deemed conclusive until it shall have been confirmed by the Board of Revenue or Board of Commissioners, who are respectively authorized to make any alterations therein, which may appear to them necessary for the purpose of carrying into effect the proportionate rule of allotment prescribed in the Regulation cited in Section VIII of this Regulation. The Board of Revenue and Board of Commissioners are severally empowered to confirm, or make such alterations in the division of the property and the allotment of the public revenue on each estate, or other matters specified in the paper of partition, as may appear to them proper, except in cases of a reduction of the fixed assessment. The Board of Revenue and Board of Commissioners may order further enquiries

In what caſes the ſharers are to be put in immediate poſſeſſion.

Allotment of the aſſeſſment to be confirmed by the Board of Revenue or Board of Commiſſioners: Who may alter the ſame if neceſſary, in purſuance of certain rules.

The Boards alſo empowered to alter the diviſion of landed property.

Or if neceſſary, may direct further en-

to

to be made, before they pass their determinations on the division, in cases in which it may appear to them necessary. quiries previous to determining on the cafe.

Third. In the event of any objections to the partition statement being offered by the sharers or any one of them, within the period of fifteen days specified in the preceding clause, the collector shall not put the parties in possession, but shall transmit without delay a copy and translation of such objections to the Board of Revenue or Board of Commissioners; together with a copy and translation of the partition statement, and of the whole, or such part of the aumeen's report as may be applicable to the points objected to, and such further information as may be necessary to enable the board to form a satisfactory opinion on the case. Rule in the event of ſharers objecting to the partition ſtatement.

XX. *First.* The determination of the Board of Revenue or Board of Commissioners on the paper of partition shall be final, and the collector on receiving notification thereof, shall put the parties in possession of their respective estates, and immediately make the necessary entries in the records of his office after comparing the documents delivered by the aumeen with the former entries regarding the estate, and correcting or supplying any errors or omissions which may be discovered in those entries. Deciſion of the Board of Revenue and Board of Commiſſioners to be final, and the parties to be put in poſſeſſion by the collector, who ſhall make the neceſſary entries in the records.

Second. No objections from the sharers to the partition communicated to them by the collector in the first instance shall be received by the Board of Revenue or Board of Commissioners after the prescribed period of fifteen days, without good cause for the delay being shewn to their satisfaction. No objection to the partition made by the collector to be received by the Boards after fifteen days, unleſs good cauſe be aſſigned.

Third. Whenever the objections to the collector's partition which may be preferred to the Board of Revenue or Board of Commissioners shall clearly appear to be groundless, vexatious and litigious, it shall be competent to the Board of Revenue or Board of Commissioners to impose such fine upon the defaulter as may be deemed proper, on consideration of the circumstances of the parties and the nature of the case. Such fine shall be recovered by the same process as is prescribed for the recovery of arrears of revenue. Boards may fine a defaulter for preferring groundleſs, vexatious or litigious objections.

How ſuch fine ſhall be recovered.

XXI. If any of the sharers in a joint undivided estate shall by with-holding the requisite accounts and papers, or by any other voluntary act, impede or oppose the division of the estate, when the same may have been ordered and proceeded upon in the mode prescribed by the Regulations, the party or parties so offending shall on the report of the Collector to the Board of Revenue, or Board of Commissioners as the case may be, be liable to such fine as the Boards respectively, on consideration of the circumstances of the case, may judge proper to impose, and the fine so ordered shall also be levied in the mode prescribed by the Regulations for the recovery of arrears of revenue. It is hereby further explained, that whenever a daily fine may be imposed under any part of this Regulation, for the purpose of causing the delivery of accounts or otherwise, and such fine may be imposed by the Collector, the operation of such daily fine (provided it be approved by the Board of Revenue or Board of Commissioners, as the case may be) or of such part thereof as may receive their approbation, shall commence from the date when the fine may have been first notified to the party on whom it is imposed, unless in any case, it should be otherwise ordered by the Board of Revenue or Board of Commissioners, or be otherwise provided by the original order of the collector. Board of Revenue and Board of Commiſſioners may impoſe a fine on every perſon withholding accounts, or otherwiſe obſtructing the diviſion of an eſtate.

XXII. In the case specified in Clauses First and Second, Section IV, of this Regulation, if all the proprietors of the estate to be divided shall agree to make the division themselves, and to allot the public jumma upon each estate, and to adjust all other matters respecting the division agreeably to the Regulations, they shall present a petition to that effect, under their seals and signatures, and attested by four credible witnesses, to the Collector, who shall issue directions to the aumeen accordingly. But the proprietors shall produce the required accounts before the aumeen, and swear or subscribe a solemn declaration to the truth of them; and the division of the lands, and the apportioning of the jumma, and every other matter relating thereto, shall be settled in the presence, and subject to the inspection of the aumeen, who shall be responsible for the Regulations being in every respect observed. In like manner, if all the proprietors of the estate which may be ordered to be divided in the cases specified in the foregoing Clauses and Section, shall agree to refer the division of the estate, and the apportioning of the public jumma, and the adjustment of all other matters respecting the division, to an arbitrator or arbitrators, they shall present a petition to that effect to the collector, attested by four credible witnesses, and specifying the name of the arbitrator or arbitrators Diviſions of eſtates may be made by the ſharers themſelves, or by arbitrators under the inſpection of the aumeen, in certain caſes.

whom they may choose, and where two or more arbitrators are chosen, the name of the umpire; upon the receipt of the petition, the collector shall direct the aumeen to cause the parties to execute arbitration bonds, the proprietors shall produce the necessary accounts before the arbitrators, and swear, or subscribe a solemn declaration to the truth of them, before the aumeen; and the division of the lands, and the allotment of the jumma, and every other matter relating thereto, shall be settled by the arbitrator or arbitrators, in the presence and subject to the inspection of the aumeen, who shall be responsible for his or their proceeding according to the Regulations. When the sharers, or the arbitrator or arbitrators in the cases above specified shall have adjusted the division of the property and the allotment of the public jumma on each estate, and all matters relating thereto, and the whole shall have undergone the revision of the aumeen, he shall submit all the documents and papers specified in Section XVIII of this Regulation to the collector, who upon the receipt of them, shall proceed in the same manner as if the division had been made without the interference of the parties, or the arbitrator or arbitrators, and all the rules contained in this Regulation regarding divisions made solely by the aumeen, shall be held applicable to divisions made by the parties or arbitrators under this Section.

How the aumeen employed in superintending private partitions, is to be remunerated.

XXIII. All the rules prescribed in this Regulation which relate to the expences incurred in making a partition shall equally apply to the remuneration of the aumeen who may be appointed to superintend partitions made by the parties themselves or their arbitrators, under the provisions contained in the preceding Section; but with this difference, that the aumeen employed in superintending such private partitions, shall only be entitled to receive one half of the amount of remuneration which the aumeens employed in making public partitions are entitled to under Section XV of this Regulation.

Cases in which the sharers are to draw lots for the lands that are to form their respective estates, after the division is finally adjusted.

XXIV. To remove, as far as may be possible, every inducement to fraud or partiality in the division of landed property, it shall be a rule, that, where two or more of the estates shall consist of the same proportions of the whole property divided, the parties entitled to them shall (excepting in the case subsequently specified) draw lots for the divisions, in the public cutcherry, before the collector, who shall be held responsible that in drawing the lots, no unfair means be practised. Agreeably to this rule, if any landed property shall be ordered to be divided into four estates, each consisting of a four annas share or four-sixteenths, or into three estates, one consisting of an eight annas share or eight-sixteenths, and the other two each of four annas or four-sixteenths of the whole property, after the division and allotment of the public revenue, and every other matter relating to the division shall have been finally adjusted, the proprietors of the four shares in the first case, and of the two four annas shares in the second, shall draw lots for the divisions, unless they shall settle amongst themselves which division of the property each party is to receive, and present a petition to the collector under their respective seals and signatures; and attested by two credible witnesses, specifying the divisions which each of them may have agreed to take; in which case, the collector shall put them in possession of the divisions which they may respectively select.

Governor General in Council reserves to himself the power of ordering a new allotment of the public jumma, should it be proved to his satisfaction, within ten years, that the allotment was fraudulently or erroneously made;

and to order the parties whose estates may have been over-assessed, to be indemnified by the sharers, whose estates may have been under-assessed.

XXV. To guard against collusion, or error in the distribution of the public jumma on landed property, which may be ordered to be divided into two or more distinct estates, it is declared, that if it shall be proved to the satisfaction of the Governor General in Council, within ten years after confirmation of the partition as prescribed in Section III, Regulation X, 1811, that the jumma was fraudulently or erroneously apportioned at the time of the division, he reserves to himself the power of ordering a new allotment of the jumma upon the several estates into which it may have been divided conformably to the principles prescribed in the Regulations cited in Section VIII of this Regulation, an estimate of the gross produce of each estate at the time of the division to be made agreeably to the best evidence and information which may be procurable respecting it, and further, of ordering the parties, whose estates may appear to have been under-assessed, to pay the sharers upon whose estates the assessment may have been excessive, the sum of which they may be found to have been defrauded by the over-assessment, and in the event of their omitting to discharge the amount, to cause it to be levied by the collector by the process prescribed for the recovery of arrears of revenue.

Parties not attending in person to appoint vakeels, with full-

XXVI. If any of the sharers in landed property ordered to be divided, from indisposition or other cause, shall be unable or shall not choose to attend the collector

or

or the aumeen in person, in the cases required, they shall depute a vakeel duly appointed with powers to perform all such acts as they themselves are authorized or required to perform under this Regulation, until the division of the property shall be finally adjusted.

powers to act for them.

XXVII. If all the sharers in landed property ordered to be divided shall be females, not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the collector shall report the same to the Board of Revenue or Board of Commissioners, who are enjoined to be careful, that the rights of such proprietors are duly attended to in the division. In instances where more proprietors than one possess an undivided estate; and part of such proprietors shall come under any of the descriptions of disqualified landholders above mentioned, having guardians, such guardians shall vote and act for them, in all matters relating to the division of their lands under this Regulation.

Board of Revenue and Board of Commissioners to take care that the rights of females and other disqualified landholders are duly attended to in divisions.

XXVIII. Landed property for the payment of the Public Revenue assessed, upon which engagements have been or may be concluded with the proprietors, and which may be ordered to be divided under this Regulation, shall remain under charge of the manager appointed by the proprietors of joint undivided estates; and the whole of it shall be held answerable for the payment of the Public Revenue assessed upon it (except in the cases hereafter specified) until the division shall have been finally adjusted and ratified, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.

Joint landed property to be held responsible for the payment of the Public Revenue, until the parties are put in possession of their distinct shares.

XXIX. In cases where the landed property to be divided is held khaus, or let in farm by Government, the partition, inasmuch as regards the allotment of the lands, shall be made agreeably to the rules prescribed in this Regulation, as far as they may be applicable to lands so circumstanced, and the farmer, or the native collector of the revenue on the part of Government, shall produce all the accounts and papers which he may possess respecting the lands, upon receiving a requisition to that effect from the aumeen; such property when divided will be subject to the rules contained in the Regulations cited in Section VIII of this Regulation.

Rules respecting the division of landed property, let in farm or held khaus by Government.

XXX. In order to obviate doubts respecting the descriptions of joint estates to which the several provisions contained in this Regulation are meant to be applied, it is hereby explained, that the whole of the said provisions are applicable to joint estates held in common tenancy, viz. where all the sharers have a common right and interest in the whole of the estate, without any separate title to distinct lands or mehauls, forming part of the estate held under one general assessment. Many of these provisions, however, such as those which direct a compact division of the lands, the selection of lands of equal value for the several sharers, and other circumstances relative to an equal partition of the estate, have evidently an exclusive reference to the division of landed property between tenants in common, or co-partners with equal rights in every part of the estate, and cannot be applied to portions of estates, consisting of specific mehauls or lands held by purchase, or otherwise from the former proprietor, and separable from his estate under the Regulations, subject to a proportionate allotment of the public assessment conformably to the rules prescribed in the Regulations cited in Section VIII of this Regulation, but remaining annexed to the original estate, until the distinct assessment of the separable portion shall have been adjusted, and separately engaged for. In such cases, the provisions in this Regulation, which respect the adjustment of the assessment, the accounts to be delivered and examined for this purpose, the responsibility of the whole original estate until a distribution of the assessment shall have been finally determined and ratified, and the power which the Governor General in Council reserves to himself of ordering a new allotment of the assessment in the event of its being proved to his satisfaction, within ten years, that the allotment made was fraudulent or erroneous, are alone to be considered applicable with the further provisions contained in the present Regulation. But all new allotments of the assessments in the cases here referred to, as in all other cases whatever, shall be reported for the sanction of the Board of Revenue or Board of Commissioners, and shall not be deemed conclusive or valid until confirmed by those Boards; or in the event of any reduction of the fixed assessment, until approved by the Governor General in Council.

All the provisions of this Regulation explained to be applicable to joint estates held in common tenancy.

The provisions in this Regulation, respecting the adjustment of the assessment, declared applicable to the case of a specific mehaul being sold or transferred.

No new allotments to be valid until confirmed by the Board of Revenue or Board of Commissioners; or in case of a reduction of jumma, by the Governor General in Council.

XXXI. After the date of this Regulation, a register according to the annexed form shall be kept in the English language of all confirmed partitions. This register shall

A register of all confirmed partitions to be kept.

shall merely shew the name, the recorded proprietor or proprietors, and the jumma of the estate as it stood when the partition was commenced, with the names, the recorded proprietors, and the jumma of the several portions thereof made into distinct estates by the partition when confirmed, together with the date of the confirmation, and whenever any such distinct estate (created by partition) shall fall in balance, so as to require a sale of the land for the discharge of the arrear, at any period within ten years of the date of the confirmation of such partition, it shall be the duty of the collector, by every means in his power, to trace the cause of such balance towards ascertaining whether it has arisen from any fraudulent or erroneous allotment of the assessment, at the time of the division, and whatever may appear to be the cause, to make a special and full report upon the case to the board, to whose authority he may be subject, and who will determine upon the receipt of such report whether the sanction of the Governor General in Council shall be obtained for directing a new allotment of the jumma upon the several portions into which the original estate was divided, or otherwise.

Collector to report, in cases requiring a sale of lands for balances arising from an improper allotment of the jumma, within ten years.

XXXII. With the view of discouraging all artificial delays in giving possession of their proper shares to sharers entitled to separation in joint estates held in common tenancy, it is hereby enacted, that whenever it shall appear to the Board of Revenue or Board of Commissioners, that a partition duly proceeded upon, is not or cannot be completed within the period originally fixed in the sunnud to the aumeen, by reason of any impediments thrown in the way of its completion by the party or parties holding possession of the estate, it shall be competent for those boards respectively, upon an application being preferred to them to that effect by the sharer who is out of possession (either through the collector or directly to the board) to direct immediate possession to be given to such sharer of a certain quantity of the lands of the estate, the assets of which shall be just sufficient (as far as the same can be ascertained) to produce the amount of the jumma payable by such sharer when separated (and which in all cases of fractional shares, is of course known) with an advance of from fifteen to twenty per cent. (viz. ten per cent. for malikana, and not less than five, nor more than ten per cent. for charges of collection) and no more. This possession is not however to be considered as a final allotment, but the partition is still to proceed in the regular manner, with the view to the adjustment of any inequalities of proportion which the assets of the lands thus delivered to the possession of the sharers may be ultimately found to bear to the assets of the estate at large, as well as the adjustment of all other points affecting the value of the several shares when divided, so that on the completion of the partition, the final allotment of land to the several parties, separated according to the jumma payable by them, may in every respect be conformable to the rules prescribed in Sections VII and VIII of this Regulation.

Rules for discouraging all artificial delays from impediments thrown in the way by parties.

XXXIII. Whenever the partition of a joint estate held in common tenancy shall have been commenced, or ordered to be made, whether on the direct application of the parties to the collector, or under a precept from a court of justice, if the estate should fall in balance at any time before the partition be completed and confirmed, it shall be in the option of any one or more of the sharers (whether in actual possession of their shares or otherwise) to tender to the collector his or their proportions of the balance due, which the collector shall receive, and pass to the credit of his or their shares accordingly, and in the

Rules respecting balances accruing during the partition of a joint estate.

FORM. - - - - - - - - - -

REGISTER of BUTWARRAS confirmed, to be kept in the English of Revenue and Board of Commissioners, as

1. Name of the Estate.	2. Proprietor or Proprietors.	3. Number of Pergunnahs.	4. Number of Villages.	5. Quantity of Land.	6. Jumma of the entire Estate.

event of a sale of any part of the estate (yet undivided) becoming ultimately necessary for the liquidation of any remaining balance, the portion or portions of the defaulting sharer or sharers only shall be sold, and not those of the sharers who shall have paid their proportions of the balances, and in all such cases, the partition shall go on and be completed for the benefit of the purchaser at the public sale; and who on making the purchase, will be entitled to separate possession of the portion or portions of the estate which would have been allotted under the partition, to the defaulting proprietors, (and which in all such instances are to be sold entire,) and will in every respect succeed to all their rights.

Rules for preventing delays in allotting the jumma of specific mehauls forming part of an estate.

XXXIV. *First.* To provide also, as far as practicable, against any injurious consequences to individuals from delays and difficulties which are observed to attend the allotment of the Public Revenue upon specific mehauls, forming part of an estate held under a general assessment; when ordered to be separated therefrom, the following Rules are to be observed in regard to such mehauls.

Rules as to balances accruing before the allotment is completed.

Second. Whenever the proprietor of a specific mehaul in a joint estate shall be entitled to separation under the Regulations, and the separation and allotment of the public revenue upon such distinct mehaul shall have been commenced upon, or ordered to be commenced upon, if the estate of which it forms a component part should fall in balance at any time previous to the completion and confirmation of such allotment, so as to require a sale of the whole or any portion of the estate, it shall be in the option of the proprietor of the mehaul in question (and to whom immediate possession thereof is to be given, if it be not already in his possession) to tender to the collector his share of the balance due, calculated on the proportion which the produce of such specific mehaul with a deduction of from fifteen to twenty per cent. (viz. ten per cent. for malikana, and not less than five, or more than ten per cent. for charges of collection) may bear to the jumma of the whole estate. Upon such tender being made, and the collector being satisfied from the inquiries made by him, and the evidence and documents before him, that the produce of the mehaul has not been under-rated, he shall receive the amount tendered, and pass it to the credit of the mehaul accordingly; and in the event of a sale of any part the estate becoming ultimately necessary for the liquidation of any remaining balance, such sale shall be made with the expressed exception of the specific mehaul in question, and the separation and final allotment of the jumma thereupon, shall go on and be completed in the prescribed manner, for the benefit of all the parties concerned therein. Provided moreover, that if the payment made by the proprietor of the specific mehaul under this clause, shall on a final adjustment of the jumma of the parties, be found to exceed the true proportion of the balance demandable from him, such proprietor shall be entitled to repayment of the excess from the collector; who shall at the same time proceed to recover the amount thereof from the defaulting proprietor or proprietors (upon whom a less amount than their just proportions will have been levied) by the same process as he would recover any other arrear of revenue; or if it shall on the contrary appear that the proprietor of the specific mehaul has paid less than he ought to have paid, the deficiency shall be recovered from him, and any excess which may have been levied from the defaulting proprietor or proprietors, shall be made good to them.

Board of Revenue and Board of Commissioners to be guided by any special orders they may receive from the Governor General in Council, to whom they are to apply in all cases unprovided for by the Regulations.

XXXV. In the execution of the duties vested in the Board of Revenue and Board of Commissioners by this Regulation, as in all other cases, they shall be guided by whatever special orders or instructions they may at any time receive from the Governor General in Council, to whom they shall apply in all cases, which they may consider unprovided for by the Regulations.

FORM.

and Native Languages in the Collector's Office, and in the Offices of the Board required by Section XXXI, of this Regulation.

7. Fractional Portion.	8. Proprietor or Proprietors.	9. Number of Pergunnahs.	10. Number of Villages.	11. Quantity of Land.	12. Jumma of each Portion.	13. Date of Confirmation.

A. D. 1814. REGULATION XX.

A REGULATION for rescinding the Regulations in force, relative to the College of Fort William:—Passed by the Vice President in Council, on the 27th September 1814; corresponding with the 12th Assin 1221 Bengal era; the 28th Bhadoon 1221 Fussily; the 13th Assin 1222 Willaity; the 13th Bhadoon 1871 Sumbut; the 12th Shawul 1221 Higeree.

Preamble.

WHEREAS the original rules for the foundation of a College at Fort William in Bengal, which were enacted in Regulation IX, 1800, have been modified by the rules subsequently enacted in Regulations IV, 1801, and III, 1807: And whereas further modifications, or additional rules, may from time to time become necessary; and all such rules can most conveniently be included in the statutes of the College; which, as well as the Regulations, are enacted by the Governor General in Council; and it is consequently unnecessary to enact distinct Regulations for the College, or to continue those now in force; The following Regulation is therefore passed, to be in force as soon as promulgated.

Regulations IX, 1800, IV, 1801, and III, 1807, Rescinded.

II. Such parts of Regulation IX, 1800, as are now in force, together with the whole of Regulations IV, 1801, and III, 1807, are hereby Rescinded.

Statutes of the College of Fort William to contain all Rules established for the College.

III. The Statutes of the College of Fort William to be enacted by the Governor General in General in Council, shall contain whatever Rules it may appear proper to establish for the admission of Students; for the government and discipline of the College; and generally for the regulation of all matters appertaining to or connected with the College.

A. D. 1814. REGULATION XXI.

A REGULATION for preventing the Zillah and City Judges and Collectors of the Public Revenue from employing their native Creditors on their respective Establishments:—Passed by the Vice President in Council, on the 4th October 1814; corresponding with the 19th Assin 1221 Bengal era; the 5th Assin 1222 Fussily; the 20th Assin 1222 Willaity; the 5th Assin 1871 Sumbut; and the 19th Shawul 1229 Higeree.

Preamble.

WHEREAS public inconvenience has been in some instances experienced, from persons invested with important and responsible offices, employing on their establishments natives being their private creditors: And whereas it is essential to discourage the practice, among the junior part of the service, of contracting debts, which not only prove a source of great personal embarrassments to them as individuals, but are likewise entirely incompatible with that independence and freedom of action, which it is essential, on public grounds, that persons succeeding to responsible offices should enjoy; The following Rules have been enacted, to be immediately in force throughout the Provinces immediately dependant on the Presidency of Fort William.

The zillah and city judges, and collectors of the public revenue and others, prohibited from employing on their establishment any natives being their private creditors.

Duty of the Boards and provincial courts in this case.

II. From and after the promulgation of this Regulation, no person being a creditor of any zillah or city judge or magistrate, of any collector of the land revenue or customs, or of any agent for the provision of salt or opium, shall be appointed to any official situation on the establishment of the person whose creditor he may be. It shall consequently be the duty of the Boards of Revenue and Trade, of the Board of Commissioners, and of the Courts of Appeal and Circuit, on receiving the Reports prescribed by the provisions of Regulation VIII, 1809, to satisfy themselves fully that the natives recommended to fill any vacancies on the establishment of the European officers acting under their controul respectively, are not the creditors of the latter. With this view, it will be the duty of the said Boards and Courts to make full inquiries on the subject, not only from the officers from whom such Reports may be received, but through such other channels as may be necessary to guard against any infringement or evasion of the provisions of the present Regulation.

The foregoing Rules to be equally applicable to the relatives and dependents of such native creditors.

III. The Rules contained in the preceding Section for precluding the creditors of the public officers abovementioned from being employed on their public establishments, shall be considered equally applicable to the relatives and dependants of such creditors: the former as well as the latter, shall consequently be equally precluded from being employed on the establishments of any of the public officers above described.

IV. In order to prevent misconstruction, it is hereby explained, that the foregoing Provisions are not intended to apply to the commercial residents and commercial agents. The present Regulation not applicable to the commercial residents and agents

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A. D. 1814. REGULATION XXII.

A REGULATION for declaring the manufacture of Salt in the province of Cuttack, a Monopoly on the part of Government; and for providing more effectually against the illicit manufacture, importation, transportation and sale of Salt therein :—Passed by the Vice President in Council, on the 4th November 1814; corresponding with the 20th Caurtick 1221 Bengal era; the 7th Caurtick 1222 Fussily; the 21st Caurtick 1222 Willaity; the 7th Caurtick 1871 Sumbut; and the 21st Zekaad 1229 Higeree.

WHEREAS the resolution of Government to reserve to itself the exclusive privilege of manufacturing Salt, in the province of Cuttack, as a source of public revenue, was notified to the inhabitants of that province by certain rules and resolutions passed by the Governor General in Council soon after the acquisition of that district, for the management of the Salt department in the northern division of Cuttack, comprising the tract of country situated between the Sooboornecka and Mohanuddy rivers, bearing date the 4th May 1804: And whereas such monopoly has been and still is in full force and effect; The Vice President in Council has been pleased to pass the following Rules for the future conduct of the manufacturers of Salt, exclusively on account of Government, throughout the whole of the zillah of Cuttack, to be in force from the period of the promulgation of this Regulation. Preamble.

II. Regulations XXIX, of 1793; LII, of 1795; IV, of 1798; IV, of 1800; XII, of 1801; XLVIII, of 1803; and IX, of 1806; are hereby extended to the zillah of Cuttack. Certain Regulations respecting Salt extended to Cuttack.

First. Regulation VI, of 1801, is also hereby extended to the zillah of Cuttack, with the following modification. Regulation VI, of 1801, also extended to Cuttack, with modification.

Second. Rewards payable on confiscated Salt in the province of Cuttack under Clause Fourth, Section XI, and Sections XIII, XIV, XV, and XIX, shall be calculated on the selling price at which Government Salt of the same description may be disposed of to merchants and individuals in that province, whether the Salt be disposed of by public auction, or a ready money sale. Rewards payable on confiscated salt, how to be calculated.

III. The exportation of salt by land from the province of Cuttack to the Midnapore or any other district, subject to the control of the Bengal Government, is hereby strictly prohibited; and all Salt exported from the province of Cuttack, in disobedience to this prohibition, shall be liable to confiscation, together with the boats, cattle, and carriages which may be used in the transportation on which the same may be laden. Provided, however, that nothing herein contained shall be construed to prevent the transportation of Salt to all, or any of the places ordinarily called the tributary mehauls, dependant on the zillah of Cuttack. Exportation of Salt by land to any district, strictly prohibited. Exception of exportation to the tributary mehauls.

IV. The exportation of Salt by sea from the province of Cuttack, except on account of Government, is hereby strictly prohibited; and any Salt attempted to be exported in disobedience to this prohibition, shall be liable to confiscation, together with the boat, doney, or other vessel on which the same may be laden. Exportation of Salt by sea, except on account of Government, strictly prohibited.

A. D. 1814. REGULATION XXIII.

A REGULATION for reducing into one Regulation, with amendments and modifications, the several Rules which have been passed regarding the office of Moonsiffs or Native Commissioners, and of Sudder Aumeens or Head Commissioners, for modifying and extending their respective powers in the trial and decision of Civil Suits; and for authorizing them to discharge certain additional Duties under the direction of the Zillah and City Judges :—Passed by the Vice President in Council on the 29th of November 1814; corresponding with the 15th Aughun 1221 Bengal era; the 2d Aughun 1222 Fussily; the 16th Aughun 1222 Willaity; the 2d Aughun 1871 Sumbut; and the 16th Zeheija 1229 Higeree.

WHEREAS rules have from time to time been enacted for constituting the office of moonsiffs or native commissioners, and of sudder aumeens or head commissioners, Preamble.

missioners, for the trial and decision of causes of a certain amount or value; and whereas those rules have appeared in some instances to require revision: And whereas it is expedient, with the view of expediting the trial and decision of civil suits, to extend the jurisdiction of the said moonsiffs and sudder aumeens, and to authorize the judges of the zillah and city courts to employ them in the execution of certain additional duties: And whereas it will contribute to the public convenience to transfer to the provincial courts the control now exercised by the Sudder Dewanny Adawlut in the appointment and removal of moonsiffs and sudder aumeens, and to reduce into one Regulation the whole of the provisions which will be applicable to the office of moonsiffs and of sudder aumeens, the following rules have been passed by the Governor General in Council, to be in force from the 1st of February 1815, throughout the territories immediately dependent on the Presidency of Fort William.

Regulations Rescinded.

II. Regulation XL, 1793, Regulation XXXI, 1795, Section V, Regulation XXXVI, 1795, Section VIII, Regulation XXXVIII, 1795, Clauses First, Second and Third, of Section III, Regulation VI, 1797, Regulation XVIII, 1797, Section XX, Regulation VII, 1800, Regulation XVI, 1803, Section III, Regulation XLIII, 1803, Sections IX to XIX, inclusive, of Regulation XLIX, 1803, such part of Section XIX, Regulation V, 1804, as refers to native commissioners, Section IX, Regulation II, 1806, Section VIII, Regulation VIII, 1809, Sections IX and X, Regulation XIII, 1810, such parts of Clauses First and Second, of Section XI, Regulation XIII, 1810, as are applicable to moonsiffs, and to sudder aumeens, are hereby Rescinded.

Commissions granted to natives as referees and arbitrators, to be cancelled.

III. *First.* On the receipt of this Regulation, the zillah and city judges shall recal and cancel all commissions which may have been granted to natives, authorizing them in the capacity of referees and arbitrators only, and not in that of moonsiffs, to hear and determine suits for sums of money, or personal property not exceeding fifty sicca rupees in value or amount, and those offices shall be abolished.

Suits depending before them in their capacity of referees, to be transferred to the moonsiffs or sudder aumeens, who will be entitled to the same fee on the decision of such suits as would have been payable to the original referee.

Second. Any suits, which may be depending before them in their capacity of referees shall be transferred, at the discretion of the judge, to any of the moonsiffs or sudder aumeens, and the same fee as would have been payable to the original referee, shall on the decision of the suit be paid to the moonsiff or sudder aumeen to whom it may be transferred.

Suits depending before them as arbitrators, how to be decided.

Third. Any suits which may be depending before them in their capacity of arbitrators, shall be decided by them under the general Rules prescribed in Regulation XVI, 1793, Regulation XV, 1795, Regulation XXI, 1803, and Regulation VI, 1813.

But natives vested with the powers of moonsiffs, may determine all suits depending before them, whether as moonsiff, referee or arbitrator. No additional suits to be referred, except in zillah Chittagong. Under what Rules cases may in future be received by moonsiffs for arbitration.

IV. In cases in which the office of referee and arbitrator is united with that of moonsiff, such moonsiff is authorized to hear and determine all causes now depending before him, whether in his capacity of moonsiff, referee or arbitrator; but no additional suits shall be referred to him by the judge except in zillah Chittagong, under Sections LVII, LVIII, and LIX, of this Regulation; nor shall he be authorized to admit new cases for arbitration, except under the general rules for arbitration prescribed in Regulation XVI, 1793, Regulation XV, 1795, Regulation XXI, 1803, and Regulation VI, 1813.

Until new sunnuds can be prepared, moonsiffs may exercise the full powers conferred on them by this Regulation, under their former sunnuds.

V. Until new sunnuds can be prepared and the arrangements prescribed in the following Section can be carried into effect, the persons who now hold the office of moonsiff shall be authorized, under the sunnuds heretofore granted to them, to exercise the full powers conferred on moonsiffs by this Regulation.

New establishment of moonsiffs, whose local jurisdictions are to correspond with those of the thannas, to be submitted to the provincial courts by the zillah and city judge. And places to be fixed upon for the establishment of their cutcherries.

VI. *First.* The judges of the several zillahs and cities shall on the receipt of this Regulation prepare and submit to the provincial court a new establishment of moonsiffs, whose local jurisdictions shall be so arranged as to correspond exactly with those of the thannas or local police jurisdictions. They shall at the same time report to the provincial court the name of the town or village in each jurisdiction, which may be most centrical, or otherwise most conveniently adapted for the establishment of each moonsiff's cutcherry.

Jurisdictions of moonsiffs to have the same local denomination as the corresponding police jurisdictions.

Second. The jurisdiction of the moonsiffs shall have the same local denomination as that of the corresponding police jurisdiction.

Third. If

Third. If the number of persons now holding the office of moonsiff in any zillah or city should exceed that of the police jurisdictions, the judge shall select from them those individuals, of whose capacity and integrity he entertains the most favourable opinion. But if the number of moonsiffs should be less than that of the police jurisdictions, the judge shall select such an additional number of persons for the office of moonsiff as may be necessary: in both instances he shall report the grounds of his selection to the provincial court with reference to the provisions of Section VIII of this Regulation.

Measures to be adopted by zillah and city judges when the number of moonsiffs now employed shall be greater or smaller than that of the police jurisdictions.

Fourth. When the selection of moonsiffs for each zillah or city and the places in which their respective cutcherries are to be held, shall have been approved by the provincial court, the whole of the sunnuds, which may have been formerly granted to moonsiffs shall be recalled and cancelled, and new sunnuds, drawn up according to the Form No. 1, in the Appendix to this Regulation, shall be furnished to all those, whose appointments may be confirmed and sanctioned by the provincial court under the preceding clause.

Former sunnuds to be cancelled, and new sunnuds to be granted to moonsiffs, when the prescribed arrangements shall have been sanctioned by the provincial courts.

Fifth. The offices of those moonsiffs, whose appointments under the first part of clause third of this Section will be no longer necessary, shall be abolished; and the zillah and city judges shall adopt the necessary measures for transferring the papers and proceedings in depending causes to the jurisdictions of those moonsiffs, to which they may respectively appertain.

Papers and Proceedings belonging to the offices of moonsiffs which may be abolished, how to be disposed of.

VII. The provincial courts are empowered to include two or more entire police jurisdictions within that of one moonsiff, and to abolish any of those offices whenever local or special circumstances may in their judgment render it expedient: they are further at all times authorized to cause the cutcherry of a moonsiff to be removed from the town or village in which it may be held, to any other town or village within the limits of the same moonsiff's jurisdiction, which may appear more convenient.

Discretion vested in provincial courts regarding the local jurisdiction of moonsiffs.

VIII. *First.* In the future nomination of individuals for the office of moonsiff, the zillah and city judges are not restricted to any particular classes or descriptions of persons, provided that they are either of the Hindoo or Mahomedan persuasion, but are required generally to select, in preference to other individuals, such of the pergunnah or city cazees as may appear to be duly qualified for the trust.

What persons are to be selected by zillah and city judges for the office of moonsiff.

Second. The zillah and city judges shall communicate to the provincial court such information as they may have obtained regarding the age, capacity, character, education and past employments of any person, whom they may recommend for the office of moonsiff; and no person shall be authorized to officiate as moonsiff without the previous sanction of the provincial court.

Their qualification to be reported to the provincial courts.

No person to officiate as moonsiff without the previous sanction of the provincial court.

IX. *First.* Whenever a zillah or city judge shall see cause for the removal of a moonsiff, on the ground of any misconduct, neglect of duty, incapacity or other disqualification, the judge shall report the circumstances of the case with his opinion on the subject to the provincial court, who will pass such order on the report as may appear to be proper, or will call for any additional information, or direct any further enquiry, which the nature and circumstances of the case may require.

Mode of proceeding for the removal of moonsiffs from office.

Second. Whenever a moonsiff may be guilty of exaction, or of any other gross act of misconduct, the judge is authorized to suspend him from his office; but in such instances, it shall be the duty of the judge to report the circumstances of the case without delay, for the information and orders of the provincial court.

Judges of zillahs and cities authorized in certain cases to suspend moonsiffs from their office.

Third. In other cases of misconduct and neglect of duty, which may not be of a nature to require either the suspension or dismissal of a moonsiff from his office, the judge is authorized to impose on the moonsiff a fine not exceeding twenty rupees in amount, and the order of the judge in such cases shall be final.

Or to fine them as far as twenty rupees.

Fourth. No moonsiff shall be removed from his office unless the provincial court shall be satisfied that there is sufficient cause for his removal.

Moonsiffs not liable to dismission, except by the provincial courts on sufficient cause.

X. *First.* Moonsiffs shall be liable to an action in the civil court for corruption in the discharge of their trust, or for extortion, or for any oppressive or unwarranted act of authority; and upon proof of the charge to the satisfaction of the judge, he shall cause the offender to pay such damages and costs to the party injured as may appear to be equitable.

Moonsiffs may be sued for corruption in the civil courts, and are liable to discretionary costs and damages.

Second. Moonsiffs shall also be liable to a criminal prosecution for corruption, extortion, or other misdemeanor committed by them in the discharge of any part of their duty, and on conviction before the Court of Circuit shall be subject to fine and imprisonment

Moonsiffs may be prosecuted criminally in certain cases, and are liable to a sentence of fine and imprisonment on conviction.

Proceſs not to be iſſued againſt moonſiffs without previous enquiry into the charge.

imprisonment proportionate to the nature and circumstances of the case; but nc moonsiff shall be liable to be prosecuted for want of form or for error in his proceedings or judgments; nor shall any process be issued against a moonsiff, who may be charged with corruption, extortion, or any oppressive and unwarranted act of authority unless the judge shall be previously satisfied, by sufficient evidence, that there is reasor to believe the charge to be well founded.

Perſons hereafter appointed to the office of moonſiff, to be furniſhed with a ſunnud, and to take and ſubſcribe an oath or ſolemn declaration, according to preſcribed forms.

XI. Every person who may in future be appointed to the office of moonsiff, wil be furnished by the judge with a sunnud, drawn up according to the form No. 1. o the Appendix to this Regulation; and previously to entering upon the duties of hi office, he shall take and subscribe an oath according to the Form prescribed in No. 2 of the Appendix. The judge, however, is empowered, in all cases in which he may deem it expedient, to exempt such moonsiff from taking the oath, and to cause him tc subscribe a solemn declaration to the same effect.

Copy of the ſunnud to be furniſhed to moonſiffs, and to be affixed in their cutcherries.

XII. Whenever a sunnud may be granted to a moonsiff under the preceding sec tion, a copy of it under the official seal and signature of the judge, shall also bc delivered to him, in order that it may remain permanently affixed in some conspicuou place in his cutcherry.

What ſuits may be tried by moonſiffs.

XIII. *First.* The persons who may be invested with the powers of moonsiff unde this Regulation, are empowered to receive, try, and determine all suits preferred tc them against any native inhabitant of their respective jurisdictions for money o other personal property, not exceeding in amount or value the sum of sixty-fou sicca rupees, provided that the cause of action shall have arisen within the period o one year previously to the institution of the suit, and that the claim include the whol amount of the demand arising from such cause of action; and provided further, tha the claim be really for money due, or for personal property, or for the value of suc property, and be not for damages on account of alleged personal injuries, or for per sonal damages of whatever nature.

Moonſiffs prohibited from trying ſuits in which certain claſſes of perſons may be parties;

Second. The moonsiffs are prohibited from hearing, trying or determining any suits in which they themselves, or their relatives or dependants, or the vakeels or othe persons employed in their cutcherries, may be parties, or in which a British subject or an European foreigner, or an American may be a party.

and from admitting perſons to ſue as paupers.

Third. They are further prohibited from receiving or trying any suits, which person may desire to prefer to them in formâ pauperis.

Suits to be tried by the moonſiffs themſelves in a public catcherry, and under what rules.

XIV. Moonsiffs are themselves to investigate the suits cognizable by them in public cutcherry, or court room, and are not to allow their officers, servants or depen dants, or any other person to interfere therein. In receiving, trying and determining suits, they shall be guided by the rules prescribed in the following sections; and in points not expressly provided for in this Regulation, they shall observe, as nearly a may be practicable, the rules prescribed in the Regulations for the guidance of th zillah and city courts in the trial and decision of civil suits.

What perſons may act as vakeels in the courts of the moonſiffs.

XV. *First.* No person shall be allowed to plead or act as a vakeel in the court o any moonsiff, unless he be a relative, servant or dependant of the person for whom he may be appointed to act; or unless he shall have received a sunnud of appointment from the zillah or city judge.

Zillah and city judges may appoint vakeels in the courts of the moonſiffs.

Such vakeels to receive ſunnuds in a preſcribed form;

Second. If in any instance it appear to be essentially necessary that vakeels be appointed to attend the pleading of causes before any of the moonsiffs, the zillah and city judges are authorized to appoint a sufficient number of persons of good character and duly qualified, and to grant to them sunnuds drawn up according to the Form No. 3. in the Appendix to this Regulation. The zillah and city judges are enjoined not to exercise the discretion vested in them by this clause of appointing vakeels to the moonsiff's courts, unless they shall be satisfied of the expediency or necessity of that measure.

and to be ſworn to the faithful diſcharge of their duty; and ſhall be liable in certain caſes to a civil action and criminal proſecution: And may be removed from their offices by the judge, under certain circumſtances.

Third. The vakeels so appointed shall be sworn to a faithful discharge of their duties, and shall be liable both to a civil action and a criminal prosecution for all breaches of trust, fraud or acts of wilful misconduct committed by them in their capacity of vakeels. They shall not, however, be removed from their offices without proof, to the satisfaction of the judge, of misconduct, or of incapacity, or of gross profligacy or misbehaviour, or unless the judge shall consider it inexpedient to continue the number of vakeels appointed; in which case he is at all times authorized to recal and cancel the sunnuds granted to them.

Fourth. Th

Fourth. The vakeels who may be appointed under this section are left to settle with their constituents the fees to be paid to them for the pleading of causes, and for all other acts that may be performed by them. The amount of the fees which may be voluntarily agreed upon, shall be specified in the vakalutnameh, which shall be written on the prescribed stamp paper, and the moonsiff may include the same (or any part thereof which may appear reasonable) in his judgment against the party cast.

Vakeels are to settle with their conſtituents the amount of the fees to be received by them.

Such fees to be ſpecified in the vakalutnameh.

Fifth. The moonsiffs are carefully to prevent persons from acting as vakeels in their respective cutcherries, who may not be relatives, servants or dependants of the parties in causes before them; or may not have received sunnuds to act as vakeels from the judge of the zillah or city in which they may be employed.

Moonſiffs are to prevent unauthorized perſons from acting as vakeels in their cutcherries.

XVI. In suits instituted before any moonsiff in conformity with Section XIII. of this Regulation, no institution fee shall be levied from the plaintiff, but the following stamp duties shall be levied in lieu thereof, in conformity with the provisions contained in Regulation I, 1814, viz. if the sum of money or value of personal property claimed shall not exceed sixteen sicca rupees, the plaint or petition shall be written on stampt paper of one rupee. If above sixteen, and not exceeding thirty-two rupees, two rupees. If above thirty-two, and not exceeding sixty-four rupees; (which is the highest sum cognizable in suits before a moonsiff) four rupees.

Stamp duty to be levied on the inſtitution of ſuits before moonſiffs in lieu of the former inſtitution fee.

XVII. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total sum of money or amount of personal property claimed, and all material circumstances which may elucidate the transaction, and may tend to bring the matter in dispute to a distinct issue.

What matters are required to be ſtated in the plaint.

XVIII. It shall be the duty of the moonsiff to restrain and discourage as much as possible the insertion in the plaint of irrelevant matter, and of terms of abuse and reproach against the character of the defendants or others. The plaint shall be signed and numbered, and dated in the order in which it may be received by the moonsiff, and the number of the suit, the names of the parties, the date on which the petition is received, the amount claimed, and the subject matter of the suit, shall be carefully entered in a book, to be kept by the moonsiff according to the Form No. 4, of the Appendix; two blank columns shall be left in the book, in the first of which shall be inserted the date of the decision, and an abstract of the final order passed in each suit shewing whether the claim be decreed in whole or in part, or nonsuited, or adjusted by razeenameh or dismissed on investigation of the merits, or otherwise disposed of, and the amount of the costs adjudged against either or both of the parties. In the second blank column shall be inserted, the date on which the copies of the decrees may be furnished or tendered to the parties. With a view to ascertain that the register books are regularly kept in the manner above prescribed, and that depending suits are brought to a hearing according to their order on the file, the zillah and city judges are respectively required to inspect them once at least in each year, and for this purpose shall require the several moonsiffs to transmit them to the court either during the period of the Dussera or Mohurrem vacation as may be most convenient.

The inſertion of irrelevant matter and terms of abuſe in the plaint to be reſtrained and diſcouraged.

Plaint to be ſigned, numbered and dated; and to be inſerted according to a preſcribed form in a book to be kept for that purpoſe.

XIX. *First.* When the complaint shall have been thus received and entered in the book according to the prescribed form, the moonsiff shall cause to be served on the defendant a written notice under his seal and signature, containing only the number of the suit, the names of the parties, and a short statement of the demand, and requiring the defendant to attend in person or by vakeel, and to deliver an answer to the plaint on or before a certain day, which must be specified in the notice.

What notice to be ſerved on the defendant.

Second. The moonsiff shall deliver the notice to the plaintiff or to his vakeel, and the plaintiff may either himself serve the notice on the defendant, or through any other person whom he may choose to employ for that purpose.—Provided, however, that the name of the person intended to be employed in this duty, be in all cases endorsed on the notice by the moonsiff, previously to its being delivered to the plaintiff or his vakeel for execution.

To whom the notice is to be delivered;

Third. The person through whom this notice may be served, shall require from the defendant a written acknowledgment, to be indorsed on the back of the notice, signifying that it has been duly served upon him; and he shall further cause some of the defendant's neighbours, or any mundul or putwarree or other principal inhabitant of the village, or the mohulladar of the ward, to witness the due execution of the service,

and how it is to be ſerved.

service, and he shall at all times state in his report, the name or names of such witness or witnesses.

Notice how to be ſerved on weavers and other perſons employed in certain departments, on account of government.

XX. When the defendant may be a weaver or a person employed in the provision of the Company's investment under the commercial residents, or in the provision of salt or opium in those departments, the notice above prescribed shall be enclosed within a sealed cover, addressed to the resident or agent, or to the assistant, or to the gomastah, aumeen, or head officer of the nearest aurung, kothee, or choukee, subordinate to them, and shall be superscribed within the official seal and signature of the moonsiff. The resident, or agent, or his assistant, or head native officer, shall cause the notice to be duly served and acknowledged by the defendant, and shall then return it to the moonsiff.

Under certain circumſtances the cauſe may be tried exparte.

XXI. *First.* If a defendant who may have been served with a notice as directed in the two preceding Sections, shall not appear in person or by vakeel within the time specified, or if having appeared, he shall refuse to answer the plaint, the moonsiff shall proceed to try the cause exparte, and after examining the plaintiff's evidence in support of his claim, shall give judgment in the same manner as if the defendant had appeared and answered to the plaint.

But moonſiffs required to aſcertain that the notice was duly ſerved on the defendant.

Second. It shall however be the duty of the moonsiff, previously to trying the case exparte, to make such enquiries from the person who served the process, and from the persons who witnessed such service, as may satisfy his mind that the notice was duly served on the defendant.

The abſence of the defendant, or his refuſal to acknowledge the ſervice, how to be certified.

XXII. *First.* In cases in which a defendant to whom a notice may have been issued in conformity with the preceding Sections, may abscond or conceal himself, or cannot after diligent search be found, or shall refuse to give the required written acknowledgment, the person entrusted with the execution of the process, shall certify the same on the back of the notice, and shall require some person or persons being neighbours of the defendant, or a mundel, or a putwarree, or other principal inhabitant of the village, or a mohalludar of the ward, in which the defendant may usually reside, to certify on the back of the process, that after diligent search the defendant cannot be found, or that he has refused to give the required written acknowledgment.

Proclamation to be iſſued after it ſhall have been certified that the defendant cannot be found, or has refuſed to acknowledge the ſervice.

What the proclamation ſhall contain.

Second. When a return to this effect is made, the moonsiff shall cause a proclamation written in the current language and character of the country, to be affixed in a conspicuous part of his own cutcherry, and a copy of the same on the outer door of the defendant's usual place of residence, or some other conspicuous place near it. The proclamation shall contain a copy of the original notice, and shall state that if the defendant do not appear in person, or by a vakeel, within the period of fifteen days from the date of the proclamation, the suit will be brought to a hearing and determination, without the appearance or answer of the defendant.

If the defendant ſhall fail to attend within the period limited in the proclamation, the ſuit is to be tried exparte.

Third. If the defendant shall still not appear either in person or by vakeel, the moonsiff, on the expiration of the period limited in the proclamation, shall proceed to try and determine the suit exparte, with the same precautions, and in the same manner, as is prescribed in Clause second, Section XXI, of this Regulation.

Moonſiffs prohibited from requiring ſecurity from defendants.

Moonſiff to report to the Judge, if the defendant means to abſcond, or to diſpoſe of his property.

XXIII. In suits depending before them, the moonsiffs are hereby strictly prohibited from requiring security (either mal or hazir zaminee) from the defendants, or from attaching their property. But if the moonsiff shall be satisfied by sufficient proof, that the defendant intends to abscond and to withdraw himself from the jurisdiction of the court, or that he means to dispose of the property in his possession for the purpose of avoiding the execution of an eventual judgment against him, the moonsiff shall report the circumstances of the case to the judge, who will exercise his discretion in each instance, and pass such orders as may appear necessary, under the provisions contained in Sections IV and V, Regulation II, 1806. The judge may cause those orders to be executed either by the moonsiffs, or by the proper officers of his own court, as may appear most convenient.

Defendant to file an anſwer to the plaint if he ſhall appear at any time before the plaintiff's evidence ſhall have been received.

XXIV. When the defendant shall attend either in person or by vakeel, within the period limited in the notice or proclamation, or at any subsequent period, before the plaintiff's evidence or proofs shall have been received in the case, he shall be allowed to take a copy of the plaintiff's petition, and to file his answer to the complaint.

Moonſiffs to prevent the inſertion in the anſwer of irrelevant

XXV. *First.* It shall be the duty of the moonsiffs to restrain and discourage as much as possible, the insertion in the answer of any matter evidently irrelevant to the

suits,

suits, and of terms of abuse and reproach against the character of the parties or other persons.

matter and abuſive terms.

Second. If the answer of the defendant shall be a simple admission or denial of the matter contained in the plaint, no further pleading shall be necessary in suits before the moonsiffs; but if the answer shall contain any plea or allegation, which may require a reply on the part of the plaintiff, in order to bring the matter in dispute to a distinct issue, or to which the plaintiff may be desirous of replying, such reply shall be filed on the next court day after that on which the defendant may have given in his answer. The plaintiff shall not introduce in his reply any matter not contained in his complaint. He shall either acknowledge the answer of the defendant to be true, or simply and shortly deny the truth of such of the facts in the answer, as he intends to dispute, or simply deny the truth of the facts contained in it, or the competency of the answer.

In what caſes the plaintiff may be permitted to file a Reply.

What is to be contained in the Reply.

Third. The defendant shall rejoin to the reply on the same day. He shall not introduce in his rejoinder any matter not contained in his answer. He shall simply deny the truth of the reply of the plaintiff, or of those parts of it which he means to dispute, or aver the truth or competency of his own answer, and no further pleadings whatever shall be admitted in suits before the moonsiffs.

When the Rejoinder is to be filed, and what it is to contain.

Fourth. The answer, reply, and rejoinder, in suits tried by the moonsiffs, are not required to be written on stampt paper.

The Anſwer, Reply, and Rejoinder, not to be on ſtampt paper.

Fifth. In suits in which the plaintiff may delay to file his reply, or the defendant to file his rejoinder, within the fixed periods, the moonsiffs are not required to postpone the trial of the suit on that account, but may proceed in it in the same manner as if the reply or the rejoinder had been actually filed.

On the occurrence of any unauthorized delay in filing the Reply or Rejoinder, the trial of the ſuit not to be poſtponed on that account.

XXVI. The moonsiffs shall try all suits depending before them, in the order in which they have been filed or numbered; provided however, that the zillah or city judge be at all times authorized either upon a report from the moonsiff, or upon other grounds of information, to direct the moonsiff to bring any particular suit or suits to a hearing and determination without attending to the regular order of the file.

Suits to be tried according to their order on the file.

Proviſo.

XXVII. *First.* In cases in which the answer shall have been filed, and the parties or either of them shall fail to appear in person, or by vakeel, at the time when the suit is first called over for trial, the moonsiff shall suspend the trial, and shall affix in some conspicuous place in his cutcherry, a notice that the suit will be again called over for trial after the expiration of a fixed period, not being less than ten days. If the plaintiff shall not appear before the moonsiff in person, or by a vakeel duly authorized, within the limited time, the moonsiff shall dismiss his claim; if the defendant shall not so appear by the prescribed time, the moonsiff shall proceed to try the cause exparte.

Notice to be affixed in the cutcherry, if either of the parties ſhall be abſent when the ſuit is firſt called over for trial.

Mode of proceeding if, notwithſtanding ſuch notice, either of the parties may fail to attend.

Second. Provided however, that if the suit be dismissed without an investigation of the merits, and either of the parties shall appeal from the decision of the moonsiff, it shall be the duty of the court trying the appeal, to determine the case on its merits, or to remand it back to the moonsiff by whom it was dismissed, or to any other competent authority, for a further investigation.

Proviſo for caſes which may be diſmiſſed without an inveſtigation of the merits.

XXVIII. The moonsiffs are to try the suits depending before them, by hearing the pleadings of the parties, by examining their documents, and by taking the depositions of their witnesses in the presence of the parties, or of their vakeels duly constituted. They may also examine the truth of the claim by the oaths of the parties, if they mutually consent to that mode of examination.

Rules for the trial of ſuits depending before moonſiffs.

XXIX. *First.* If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the moonsiff, and such witnesses shall not attend at the requisition of the parties, the moonsiff is authorised to summon as witnesses any persons subject to his jurisdiction, excepting women whose rank may be such as to render it improper to require their appearance in public. When the evidence of such women is necessary, it is to be taken in the mode prescribed by Section VI, Regulation IV, 1793; Section II, Regulation VIII, 1795; and Section VII, Regulation III, 1803.

Moonſiffs authorized to ſummon witneſſes who may not attend on the requiſition of the parties.

Second. The summons shall specify the number of the suit on the file, the name of the party at whose request it must be issued, and the names and residence of the witnesses, and shall require them to appear at the cutcherry of the moonsiff on a specific day, and there to depose concerning the matter in dispute between the parties.

What the ſummons ſhall contain.

Summons need not be written on ſtampt paper, and not liable to any fee.

Third. The application of parties for the attendance of witnesses before a moonsiff, need not be written on stampt paper; nor shall any fee be demanded or received by the moonsiff for issuing the prescribed summons.

Mode in which the Summons ſhall be ſerved.

Fourth The moonsiff shall deliver the summons to the party applying for it. or to his authorized vakeel, and such party or vakeel may either serve the summons himself or through any other person whom he may choose to employ for that purpose;

Proviſo.

provided however that the name of the person intended to be employed in this duty be in all cases notified to the moonsiff, and endorsed on the summons previously to its being delivered to the party or his vakeel for execution.

Mode of ſummoning weavers, and certain other perſons employed on the part of Government, whoſe evidence may be required before moonſiffs.

XXX. If any individual whose evidence is required shall be a person employed in the provision of the Company's investment under the commercial residents, or in the provision of salt and opium under the agents of Government, the summons shall be served in the same manner as is prescribed in Section XX of this Regulation, respecting the issue of notice to a defendant. The moonsiffs will be careful not to summon such persons unnecessarily, and on their attendance, shall cause them to be examined and dismissed with all practicable dispatch.

Such witneſſes to be examined and diſmiſſed with all practicable diſpatch.

The property of witneſſes, who may not attend after being duly ſummoned, to be attached.

XXXI. *First.* If any person upon whom a summons may have been duly served in the manner above prescribed, shall not attend on the day appointed, the moonsiff is authorized to attach any property belonging to such person which may be found within his own jurisdiction. If after a reasonable time subsequent to such attachment, the person summoned shall still omit or refuse to attend, and it shall satisfactorily appear by the oath of the party requiring his evidence, that the testimony of such person is material to the cause, the moonsiff shall report the circumstances of the case to the judge, who will exercise his discretion in issuing such further process, in order to compel the appearance of the witness before the moonsiff as might be issued under the Regulations, if the suit were depending before the judge.

Moonſiffs how to proceed if after ſuch attachment, witneſſes ſhall not attend within a reaſonable term.

Further proceſs to be uſed by the judge.

If ſuch further proceſs be inſufficient to ſecure the attendance of the witneſs, ſuch witneſs to be fined by the judge.

Second. If notwithstanding this further process, the attendance of the witness cannot be obtained, the judge shall at his discretion impose on such witness a fine not exceeding in any case the value or amount of the property in dispute; such fine shall be realized under the general provisions in force for the execution of decrees.

Fine, how to be realized.

Refuſing witneſſes to be fined by the moonſiffs, and the circumſtances reported to the judge.

Third. In cases in which a witness duly summoned may attend before the moonsiff, but shall refuse to give his evidence, or to subscribe his deposition, the moonsiff shall impose such fine upon him as may appear proper. The moonsiff is however strictly prohibited from realizing such fine by his own authority; he shall report the circumstances of the case to the judge, who will either remit or modify, or confirm the fine imposed by the moonsiff, and will proceed to realize it in the same manner as is prescribed in the preceding clause.

How the judge is to proceed on receiving ſuch report.

Witneſſes reſiding in other juriſdictions, how to be ſummoned.

XXXII. *First.* If any moonsiff shall require the evidence of a person not subject to his jurisdiction. and such person shall not attend at the requisition of the parties, the moonsiff shall make application to the zillah or city judge, who will issue the necessary process for procuring his attendance either through the proper officers of his own court, or through the judge or the moonsiff, within whose jurisdiction such person may reside.

Caſes in which the evidence of witneſſes required by moonſiffs may be taken on written interrogatories.

Second. If however the residence of the witness shall be at a considerable distance from the moonsiff's cutcherry, or if other circumstances should render it inconvenient or improper to compel the personal attendance of any witness, the moonsiff is hereby authorized and required to transmit to the judge any written interrogatories, which he may think necessary, or which may be suggested by the parties or their vakeels, in the suit. On the receipt of such written interrogatories, the judge will proceed to obtain the evidence of the witness in the mode prescribed by Section VI, Regulation IV, 1793; Section II, Regulation VIII, 1795; and Section VII, Regulation III, 1803.

Witneſſes not to be maltreated by moonſiffs, or detained from their homes longer than may be neceſſary.

XXXIII. The moonsiffs are hereby strictly prohibited from confining or otherwise punishing witnesses, and they are enjoined to take the depositions of witnesses attending before them, with all due expedition, so that they may not be exposed to any vexatious delay or unnecessary detention from their respective homes and employments.

The evidence of witneſſes to be taken on oath,

XXXIV. The moonsiffs shall administer to witnesses such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. But if the witness shall be of a rank, which according to the prejudices

of the country would render it improper to compel him to take an oath, the moonsiff may dispense with his being sworn; and in lieu thereof, cause him to subscribe a solemn declaration (or hulfnamah) under the rules prescribed in Section VI, Regulation IV, 1793; and Section VII, Regulation III, 1803; or such other rules as may hereafter be prescribed.

Or on a solemn Declaration.

XXXV. The moonsiffs are at all times authorized to cause the examination of a witness to be taken on a solemn declaration, or even without such solemn declaration, whenever the parties in the suit, or their respective vakeels, may voluntarily and mutually agree to such witness being so examined.

The oath or solemn declarations of witneſſes may be diſpenſed with, by conſent of the parties.

XXXVI. In the examination of witnesses, the moonsiffs are enjoined carefully to prevent the parties and their vakeels or agents from instructing or intimidating the witnesses, or from putting to them leading questions, or questions suggesting a particular answer; questions also with regard to the personal character of the parties, or on points evidently irrelevant to the matter in dispute, are to be avoided as much as possible.

Witneſſes are not to be inſtructed or intimidated; and all leading and irrelevant queſtions are to be avoided.

XXXVII. The deposition of every witness shall commence by specifying the name, the father's name, (or, if the deponent be a married woman, the name of her husband,) the religion, cast, profession, age, and place of residence of the deponent, and shall be subscribed by the witness with his or her name or mark.

What is to be contained in the depoſition of a witneſs, and how it is to be atteſted.

XXXVIII. *First.* No fees shall be levied on exhibits filed before the moonsiffs, and exhibits shall be received in suits depending before them, without any derkhaust or written application for that purpose.—The moonsiffs are strictly prohibited from admitting or filing as an exhibit, or from receiving in evidence, any obligation, instrument, bond, deed, or document, whether it be the original, or a copy, of a description which is or may be required to be written on stampt paper, unless it shall have been duly executed on stampt paper of the description, value, and denomination prescribed by the Regulations.

Exhibits in ſuits before moonſiffs are not liable to the payment of fees or ſtamp duties.

But no exhibits to be admitted which are not written on the preſcribed ſtampt paper.

Second. In cases in which a moonsiff shall entertain doubts whether a document presented to him as an exhibit has been duly executed on paper bearing the prescribed stamp, he shall transmit such document, with a statement of the case, to the judge for his opinion, and shall be guided by the instructions he may in consequence receive from the judge, either in rejecting, or admitting such exhibit.

Mooufiffs to report to the judge, inſtances in which exhibits may appear to be written on ſtampt paper differing from the preſcribed ſtampt paper.

Third. When an exhibit is filed in a suit before the moonsiff, it shall be dated and signed or sealed by him, and shall be marked with some letter or number to identify it, and such letter or number shall be distinctly referred to in those parts of the depositions of the witnesses, or of the proceedings, or of the decree, as may allude to such exhibit.

Exhibits are to be dated, ſigned and marked, and are to be deſcribed according to that mark in the proceedings and decree.

XXXIX. When the parties have been heard, and the exhibits received and considered, and the witnesses on both sides examined, the moonsiff shall give judgment according to justice and right.

The deciſion is to be paſſed after conſideration on the pleadings, exhibits and evidence.

XL. The decree shall specify the names of the parties, and the names of the witnesses examined, and the titles of the exhibits read. It shall also contain an abstract statement of the material facts alleged in the pleadings of both parties, and an elucidation of the principal grounds and reasons on which the decision may be passed. It shall state specifically the sum of money, or the value or amount of personal property adjudged, and the amount of the costs or damages payable by the parties respectively. If any claim shall appear to the moonsiff to be evidently litigious and vexatious, he shall adjudge suitable costs and damages against the plaintiff, and insert the same in the mode above directed in the decree.

What ſhall be contained in the decree.

Coſts and damages to be awarded in the decree in ſuits which may appear to be litigious or vexatious.

XLI. *First.* When the decision shall have been thus passed, the moonsiff shall cause two copies of it to be prepared, and after attesting them with his seal and signature, shall, within one week after the date of the decree, tender the said copies in open cutcherry, both to the plaintiff and defendant or to their vakeels respectively; he shall endorse on the back of the said copies the actual date on which they may be tendered to the parties in open cutcherry, and if either or both of the parties shall fail to attend, or shall refuse to receive the copies so tendered, he shall certify the same on the back of the copies.

Two copies of the decree to be prepared and tendered to the parties.

The date of the tender, and the cauſe of the non-delivery of the copies, to be certified by the moonſiff, and endorſed on the back of the copies.

Second. Any moonsiff who may be guilty of wilfully mistating, or falsifying, or of causing to be mistated or falsified, the date and purport of the endorsement above directed to be written on the copies of the decrees, or of keeping back such copies of decrees from either of the parties, with the view of defeating or opposing a bar to their

Penalty for falſifying the date and purport of the endorſement, and for keeping back copies of the decree from either of the parties.

their right of appeal, shall, on proof thereof to the satisfaction of the provincial court, be liable to dismission from office, and to such discretionary fine to Government as may be deemed proper by that court.

Copies of decrees tendered by the moonſiffs, need not be written on ſtampt paper.

Third. The copies of decrees above directed to be tendered to parties by the moonsiffs, need not be written on stampt paper.

Moonſiffs may fine parties, vakeels or witneſſes for diſreſpect in open court, and ſhall report ſuch fines to the judge. The judge may remit, or modify or confirm the fines, and may realize them by the proceſs for the execution of decrees.

XLII. If a party, vakeel, or witness in any depending suit, shall be guilty of disrespectful behaviour to the moonsiff in open court, the moonsiff is empowered to impose such fine on the party, vakeel, or witness so offending, as may appear proper. The moonsiff is however strictly prohibited from realizing such fine by his own authority. He shall report the circumstances of the case to the judge, who will either remit, modify, or confirm the fine imposed by the moonsiff; and in either of the latter cases, will proceed to levy it under the general provisions in force for the execution of decrees.

Monthly report of ſuits decided, and proceedings on ſuch ſuits to be tranſmitted to the judge.

XLIII. *First.* It shall be the duty of the moonsiffs to transmit to the judge on the fifteenth of each month, or as much sooner as may be practicable, a report of all the suits decided by them in the preceding month, drawn up according to the annexed Form No. 5. of the Appendix. These reports shall be accompanied by all the original papers and documents in the case, that they may be deposited among the records of the court.

Half yearly report of depending ſuits to be tranſmitted to the judge, according to a preſcribed form.

Second. The moonsiffs shall likewise be required to transmit on the 15th of January and 15th of July of each year, or as much sooner as may be practicable, a report of the causes depending before them on the 1st of January and 1st of July, drawn out according to the annexed Form No. 6. of the Appendix.

Monthly and half-yearly reports, how to be forwarded to the judge.

Third. The required monthly and half-yearly reports shall be enclosed in a cover addressed to the judge, and sealed with the seal of the moonsiff. The packet shall be forwarded to the judge either by the public dawk, (the officers of which are hereby required to receive and convey such packets free of postage,) or by a servant of the moonsiff, or the moonsiff may deliver it to the nearest police darogah, who shall give a receipt for it, and convey it to the judge. The moonsiffs are directed to seal and fasten the public packets and reports which they may have occasion to transmit to the court, in such a manner as may enable the court to detect any instance in which the packets may be opened, or the seals broken, during their transmission to the court.

Moonſiffs prohibited from executing their own decrees.

XLIV. The moonsiffs are strictly prohibited from enforcing their own decisions, and from issuing any process, or using any coercive means for that purpose, except in cases in which the judge, under the power vested in him by Sections LI and LII, may deem it expedient to employ them in the execution of that duty.

Mode of obtaining the execution of a decree paſſed by a moonſiff.

XLV. *First.* Whenever a party who may have obtained a decree in the court of a moonsiff shall be desirous of having it enforced, he shall present a petition to the zillah or city judge, written on the stampt paper prescribed by Section XVIII, Regulation I, 1814. If the decree shall have been passed previously to the 1st of February 1815, the petition shall be presented within the period of one year from that date; if the decree shall be passed on or after the 1st of February 1815,

A petition to be preſented to the judge.

the petition shall be presented within the period of one year from the date of the decree.

What ſuch petition is to contain.

Second. Such petition shall be presented either in person or through an authorized pleader of the court, and shall contain a statement of the number of the suit, of the name and designation of the moonsiff by whom it was decided, of the names of the parties in the cause, of the date of the decision, and of the total sum which may have been adjudged to the petitioner either on account of the original claim or of costs of suit; the petition shall further state whether an appeal has or has not been admitted from the moonsiff's decision.

The original decree, and the monthly report of cauſes decided, to be examined.

Third. When such petition shall be received, the judge shall cause the purport of the petition to be compared with the decree in the original record of the suit, and with the statement contained in the monthly report of causes decided by the moonsiff.

Mode of proceeding where an appeal may have been admitted.

Fourth. If the suit shall have been regularly appealed, the execution of the moonsiff's decree shall be suspended or otherwise, according to the rules in force.

If the periods limited for the execution of decrees ſhall have

Fifth. If the petition for the execution of a monsiff's decree shall not be presented until after the periods prescribed in Clause First of this Section, and no satisfactory

satisfactory cause shall be shewn for the delay, such decree shall not be executed, but the party shall be allowed to institute a new suit in the zillah or city court; in the trial of such suits, the defendant shall not be allowed to impugn the merits of the original judgment passed by the moonsiff, unless the suit shall have been tried exparte in the first instance; but he may shew that the sum originally decreed, or any part of it, has been subsequently paid, or that the matter in dispute has been adjusted by the parties since the date of the original judgment.

elapsed, the party to be referred to a new suit.

What may be pleaded by the defendant in such suit.

Sixth. If the petition for the execution of a moonsiff's decree, shall be presented within the limited periods prescribed by Clause First of this Section, and no appeal shall have been preferred from the decision, such decree shall be enforced in conformity with the Regulations; provided however, that if the judge shall have reason to believe that the decree was obtained in an irregular manner, or that on any other sufficient grounds it ought not to be enforced, he may permit the party against whom the decree may have been passed, to prefer an appeal from such decree, although the prescribed period for admitting such appeal may have elapsed.

If the limited periods shall not have elapsed the decree is to be executed.

Proviso.

Seventh. With a view to prevent the protracted imprisonment of persons confined in execution of decrees for sums of inconsiderable amount, it is hereby provided, in addition to the rule contained in Section XI, Regulation II, 1806, that no person from and after the 1st February 1815, shall be liable to personal confinement, in satisfaction of a decree for any sum, not exceeding sixty-four sicca rupees, beyond a period of six months; but that at the expiration of that period, any person so confined, shall be entitled to be released; but any property which may belong to such person shall at all times, either during his imprisonment, or subsequently to his release, be liable to attachment and sale for the purpose of realizing the amount of the judgment, or such part thereof as may remain due.

No person to be imprisoned in execution of a decree not exceeding sixty-four sicca rupees, for a longer period than six months.

But any property belonging to such person, liable to be sold in execution of the judgment.

XLVI. *First.* Any person dissatisfied with the decision of a moonsiff, shall be at liberty to appeal from it to the judge, provided the petition of appeal be presented within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels, in conformity with Section XLI of this Regulation; a discretionary power however is vested in the judge of admitting appeals from decisions of the moonsiffs, although the petitions may not be presented within the prescribed period, if the appellant shall shew satisfactory cause for not having before presented the petition.

Mode of admitting appeals from the decisions of moonsiffs.

Second. All Petitions of appeal from decisions of the moonsiffs are to be presented to the judge of the zillah or city in which the moonsiffs are prohibited from receiving any petitions of appeal from their own decisions.

Petitions of appeal from decisions of moonsiffs to be presented to the judge.

Third. All petitions of appeal from decisions of moonsiffs are to be presented by the appellant in person, or by one of the authorized vakeels of the court; and if the appeal shall be admitted, and the appellant and respondent shall not plead their cause in person, their respective vakeels are to be allowed the same fees as in other suits tried before the judge.

How such petitions are to be presented.

Fourth. Decisions of the moonsiffs are not to be set aside for want of form or for irregularity in their proceedings, but on the merits only.

Decisions of moonsiffs not to be set aside for want of form.

Fifth. When an appeal may be received from the decision of a moonsiff, the judge is empowered to suspend the execution of the decree, provided the party appealing against it, shall give good and sufficient security within a reasonable period to be fixed by the judge to perform the decree of the court.

In what cases the judge may suspend the execution of decrees passed by moonsiffs, from which an appeal may be admitted.

XLVII. *First.* The zillah and city judges may for any reason that may appear to them sufficient, bring up for trial before them, or their registers, or the sudder aumeens, any causes that may be depending before the moonsiffs; or may transfer such causes from one moonsiff to another.

Suits depending before moonsiffs may be tried by the judge, or referred for trial to other tribunals.

XLVIII. Upon the death, removal, or resignation of any moonsiff, the judge shall, if necessary, immediately nominate another person in his room for the approbation of the provincial court, and shall cause all papers in the causes depending before the late moonsiff to be delivered over to his successor, or otherwise to be disposed of as circumstances may require.

When a vacancy may occur in the office of moonsiff, the judge to nominate a successor.

XLIX. *First.* The compensation, which the moonsiffs shall be hereafter entitled to receive for their trouble in the trial of suits which may be decided by them subsequently to the 1st February 1815, and for the necessary establishment of officers, shall be adjusted in conformity with the following clauses.

Rules regarding the compensation to be granted to moonsiffs on the decision of suits subsequently to the 1st of February 1815.

The full value of the ſtampt paper on which the plaint may have been written to be paid to moonſiffs on ſuit decided by them on the merits, or adjuſted by razeenameh.

Second. On every suit which may be now depending or may be hereafter instituted in the cutcherry of the moonsiffs, and which may be adjusted by razeenameh or decided by the moonsiffs on an investigation of the merits, subsequently to the 1st February 1815, they shall be entitled to receive the full amount of the institution fee, or the full vallue of the stampt paper, substituted for such institution fee, on which the plaint or petition in such suit may have been written.

Statement to be prepared from the monthly reports of cauſes decided.

Third. Together with the monthly report of causes decided, which the moonsiffs are required to transmit under Section XLIII of this Regulation, the moonsiffs shall forward a separate statement under their respective seals and signatures, exhibiting the amount of the institution fee, or the value of the stampt paper substituted for such institution fee, in all suits which may have been decided by the moonsiffs during the past month, on an investigation of the merits of the case, or which may have been adjusted by razeenamahs of the parties. From this statement shall be carefully excluded the amount of the institution fee, or the value of the stampt paper substituted for such fee, in those plaints, which may have been dismissed from the non-attendance of the plaintiff, or from any other ground of nonsuit or default. The moonsiffs shall not be entitled to any remuneration on suits, which may have been disposed of by them without a determination on the merits of the case, or an adjustment by razeenamahs of the parties.

Suits diſmiſſed on default or nonſuited, not to be included in ſuch ſtatement.

The ſums to which the moonſiffs may be entitled, to be paid to them through the treaſurer of the court.

Fourth. The statement so transmitted shall be carefully revised, and shall be compared with the original records of the suits by the serishtadar or treasurer or other authorized officer of the court, and shall be countersigned by such officer in testimony of his having ascertained the accuracy of the statement; an order shall then be endorsed on the statement under the seal of the court, and the signature of the judge, and such order shall be a sufficient authority to the treasurer of the court for the payment of the amount to the moonsiffs.

The judges may employ the moonſiffs in the inveſtigation of queſtions reſpecting local rights and uſages.

L. *First.* In questions which may arise in suits depending before the judge of any zillah or city court relating to the adjustment of accounts in revenue or mercantile transactions, or regarding the boundaries of lands or houses, or regarding the right of way in roads or pathways, or regarding any rights in forests, commons, rivers, lakes, ponds, wells, reservoirs or watercourses, or regarding the quantity or description of land and the rent to which it is liable, and generally in all questions of local rights and usages which cannot be conveniently decided without an enquiry on the spot, the zillah or city judge may empower any moonsiff within his jurisdiction to make a local investigation into the merits of the question in dispute.

Inſtructions and proceedings to be furniſhed to the moonſiffs in ſuch caſes.

Second. The zillah or city judges shall furnish to the moonsiffs such part of the proceedings, and such detailed instructions in each case, as may be necessary for his information and guidance, and shall enjoin the moonsiff, either merely to take the requisite evidence in the presence of the parties or their vakeels, and to transmit the same to the court, or likewise to transmit, with the evidence so taken, a report of his own sentiments on the point at issue founded on the result of the investigation held by him.

The proceedings of the moonſiffs to be received as evidence in ſuch caſes, unleſs the judge may be diſſatisfied with them.

Third. The proceedings of the moonsiff are to be received as evidence in the case with regard to the specific matter, which he may have been directed to investigate; but if the judge shall have reason to be dissatisfied with the proceedings of the moonsiff, he is at liberty to make such further enquiry as may be requisite, and to pass such ultimate judgment as may appear to him to be right and proper.

Moonſiffs may be employed in giving poſſeſſion of real property under decrees.

LI. *First.* The zillah and city judges are further authorized to employ the moonsiffs in delivering over formal possession of lands, houses, or other real property in conformity with decrees regular or summary.

Moonſiffs how to be remunerated for their trouble in ſuch caſes.

Second. Previously however to issuing any instructions to a moonsiff for the performance of any of the duties described in this or the preceding section, the judge shall require either the plaintiff or the defendant, according to the circumstances of the case, to pay into court such a sum of money as may be an adequate remuneration to the moonsiff for his trouble, provided such sum do not exceed the probable expense which would be incurred if an ameen or a native officer of the court were employed in the execution of the same duty.

Such remuneration to be forfeited, if the moonſiff ſhall have been guilty of miſ-

Third. The moonsiff shall be entitled to receive such sum as may have been paid into court under the preceding clause, except under circumstances, in which he may appear to have performed the duty entrusted to him in a negligent,

 unjust,

unjust, or improper manner; in such cases the said sum of money shall be returned to the party who deposited it in court.

conduct in the execution of the duty.

LII. The moonsiffs may be employed at the discretion of the zillah and city judges in the attachment and sale of personal property, for the purpose of realizing the amount of fines, or of decrees regular or summary, and shall be entitled to receive a commission of one anna in each rupee on the proceeds of such sales.

Moonsiffs may be employed to sell personal property by order of the judge, and shall receive a commission on the proceeds of such sale.

LIII. The zillah and city judges are further empowered to employ the moonsiffs in ascertaining and reporting upon the sufficiency of securities, and the indigence of persons suing in formâ pauperis.

Moonsiffs may be directed to report on the sufficiency of securities, and the indigence of paupers.

LIV. The provisions of the preceding Sections are not intended to preclude the zillah and city courts from deputing an ameen for local enquiries, or from employing the authorized officers of the court in the execution of the various duties above detailed, whenever they may deem it expedient to do so in conformity with the existing Regulations; and the zillah and city judges will be careful, that the time of the moonsiffs be not so much occupied in the miscellaneous duties above described, as to interfere materially with the early trial and decision of the regular suits depending before them.

The preceding Rules are not to preclude the employment of ameens or other officers of the court.

Judges to be careful that the time of the moonsiffs be not too much occupied in miscellaneous duties.

LV. The moonsiffs shall continue to discharge the same functions, and to exercise the same powers as are at present vested in them by the Regulations in force, regarding distress and sale for the recovery of arrears of rent.

Moonsiffs to act as heretofore in the sale of distrained property.

Local RULE for Moonsiffs in the Town of Juggunauth-pooree in Zillah Cuttack.

LVI. The rules contained in Section VI of this Regulation, regarding the local jurisdiction of moonsiffs, shall not be considered applicable to the dewul purchas, who under Section XXIII, Regulation IV, 1806, may be appointed to the office of moonsiff in the town of Juggunauth-pooree, and its dependencies. Such moonsiffs shall, however, receive a new sunnud, drawn up according to the form prescribed in No. 1. of the Appendix, and shall be invested with the additional powers conferred on moonsiffs generally by this Regulation.

Local rule for moonsiffs in the town of Juggunauth-pooree.

Local RULES for Moonsiffs in Zillah Chittagong.

LVII. The preceding rules of this Regulation are hereby declared applicable to the native commissioners employed in the zillah of Chittagong; but in addition to the suits for sums of money, or personal property not exceeding sixty-four rupees, which they are authorized to receive and try under this Regulation, the judge of zillah Chittagong is hereby empowered to refer to them, for trial and decision, suits for landed property, provided that the amount of the suit, calculated in conformity with the provisions of Section XIV, Regulation I, 1814, do not exceed the sum of sixty-four sicca rupees.

The judge of zillah Chittagong may refer suits for landed property not exceeding sixty-four rupees in amount, to the moonsiffs in that zillah.

LVIII. The moonziffs in zillah Chittagong who may be vested with the powers of hearing and determining suits for landed property, shall receive a sunnud from the judge in the Form prescribed in the Appendix No. 1, and shall take the oath prescribed in the Form No. 2. of the Appendix, with such alterations in those forms respectively as may be requisite under the preceding Section.

Form of sunnud to be granted to moonsiffs in zillah Chittagong, and of the oath to be taken by them.

LIX. *First.* The special rules contained in the two following clauses, are further prescribed for their guidance.

Special Rules for Commissioners of land suits in zillah Chittagong.

Second. In all cases of inheritance of, or succession to, landed property, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to regulate the decision; and the commissioners in all such cases are to obtain an exposition of the law from the law officers of the zillah court, to whom they are to transmit a written abstract of the case for this purpose; such exposition, however, is not to preclude a further reference to the law officers of the zillah courts, upon such points of law as may arise upon the cause, in the event of its being tried in appeal.

By what Laws their decisions are to be regulated.

Exposition of the Law, how to be obtained.

Third. In all suits relative to the inheritance of, or succession to, landed property, the Commissioners are to affix, in some conspicuous part of their cutcherries, a written notification of the claim preferred, with a requisition to all persons who may have any claim to the property sued for, to prefer the same within a limited period, and their decisions are to include all claimants to the property in question, who according to

Notification to be issued in suits relative to the inheritance of, or succession to, landed property.

And all claimants to be included in the decision.

to the law of the parties, whether Mussulmans or Hindoos, have a just and legal title to share therein.

Jurisdiction and duties of sudder ameens.

LX. The following Rules are enacted for defining the jurisdiction and explaining the duties of the persons who now hold, or may hereafter be appointed to the office of sudder ameen.

Provincial courts may augment or diminish the number of sudder ameens according to local circumstances.

LXI. The number of sudder ameens to be hereafter employed in each zillah or city shall be unlimited. The provincial courts may at all times exercise their discretion in diminishing or augmenting the number of those officers, on a consideration of the state of civil business and other local circumstances.

Law officers of the zillah and city courts to be ex-officio sudder ameens.

LXII. The Mahomedan and Hindoo law officers of the zillah and city courts, shall, by virtue of their offices, be deemed sudder ameens of the zillah or city in which they may be respectively employed.

Nomination and appointment of other sudder ameens.

LXIII. All other sudder ameens shall be nominated by the judges of the zillah or city courts, and approved by the provincial court, and shall not be authorized to enter upon the duties of the office without the previous sanction of that court.

Judges to report to the provincial courts the qualifications of persons whom they may recommend for the office of sudder ameens.

LXIV. In the future nomination of individuals for the office of sudder ameen the zillah and city judges are not restricted to persons of any particular class or religious persuasion, but are required carefully to select such individuals as may be best qualified for the trust, and to communicate to the provincial court full information regarding the native country, age, education, capacity, character and past employments of the individuals whom they may recommend.

Former sunnuds granted to sudder ameens to be recalled, and new sunnuds in a prescribed form to be furnished to them.

LXV. *First.* The commissions or sunnuds of appointment, which may have been granted to persons holding the office of sudder ameen shall be recalled and cancelled, and in lieu thereof new sunnuds shall be granted to them under the seal and signature of the judge, drawn up according to the Form prescribed in the Appendix, No. 7.

Similar sunnuds to be granted to sudder ameens who may be hereafter appointed; but not to the law officers of the zillah and city courts.

Second. Similar sunnuds shall also be granted to all persons who may be hereafter appointed to the office of sudder ameen. It will not, however, be necessary to grant such sunnuds to the law officers of the zillah and city courts, who by Section LXII of this Regulation, are, by virtue of their offices, vested with the powers of sudder ameen.

Form of oath to be taken and subscribed by sudder ameens, who may be hereafter appointed.

LXVI. Every person who may in future be appointed to the office of sudder ameen, shall, previously to entering upon the execution of the duties of his situation, take and subscribe an oath, according to the Form prescribed in the Appendix, No. 8, before the judge of the zillah or city in which he may be appointed to officiate; but the judge is empowered, in all cases in which he may deem it expedient, to exempt such sudder ameen from taking the oath, and in lieu thereof to cause him to subscribe a solemn declaration to the same effect.

A solemn declaration may be admitted in lieu of the oath.

Sections IX and X, of this Regulation, applicable to sudder ameens, whose cutcherries shall be held in such places as the judges may direct.

LXVII. The provisions of Sections IX and X of this Regulation, are hereby declared to be applicable to the office of sudder ameens, as well as to that of moonsiffs appointed under this Regulation; the sudder ameens are to hold their cutcherries at the station where the zillah or city court is held, in such convenient places as the judge may direct.

What suits may be referred to a sudder ameen.

LXVIII. The judges of zillahs and cities are authorized to refer to the sudder ameens, for trial and decision, any original suits for money or other personal property, not exceeding in amount or value 150 sicca rupees, or for the property or possession of land or other real property, the amount of which, calculated in conformity with the provisions of Section XIV, Regulation I, 1814, may not exceed 150 sicca rupees. No suit, however, shall be hereafter referred for trial and decision to a sudder ameen, in which he himself, or his relatives or dependants, or the vakeels or officers of his court, or a British European subject, or an European foreigner, or an American may be a party, or in which the plaintiff may have been admitted to sue in forma pauperis.

Cases involving questions of law to be referred respectively to the Hindoo and Mahomedan law officers.

LXIX. In referring suits for trial to the sudder ameens, the judge shall generally refer such cases as are likely to involve questions of Hindoo law to the Hindoo law officer, and of Mahomedan law to the Mahomedan law officer.

Stamp duty to be levied on the institution of suits referred to sudder ameens.

LXX. No institution fee shall be levied on suits referred to any sudder ameen, but the following stamp duties shall be levied in lieu thereof, in conformity with the tenor of the rules contained in Regulation I, 1814.

If

If the sum of money, or value or amount claimed, shall not exceed sixteen rupees, the plaint or petition shall be written on stampt paper of one rupee.

If above sixteen, and not exceeding thirty-two rupees, two rupees.

If above thirty-two rupees, and not exceeding sixty-four rupees, four rupees.

If above sixty-four, and not exceeding one hundred and fifty rupees, eight rupees.

Sudder ameens are themſelves to inveſtigate ſuits referred to them.

LXXI. The sudder ameens are themselves to investigate the suits referred to them in a public cutcherry or court room, and are not to allow their officers, servants or dependants, or any other person to interfere therein.

How ſuch ſuits ſhall be pleaded.

LXXII. All causes referred to the sudder ameens, shall be pleaded either by the parties in person, or by an authorized vakeel of the zillah or city court. The judges of the several zillahs and cities will assign to the court of each sudder ameen, such a number of the authorized vakeels as may appear necessary. The whole of the Regulations in force regarding the authorized vakeels of the zillah and city courts, shall be applicable to the authorized vakeels employed in the courts of the sudder ameens.

Recital of the proviſions of this Regulation, which are applicable to ſuits tried by ſudder ameens.

LXXIII. The provisions contained in Sections XVIII, and XXIII, Clause Fourth, Section XXV, in Sections XXVI, XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XL, XLI, XLIII, XLIV, XLVI, XLVII, XLVIII, and XLIX, of this Regulation, are hereby declared to be equally applicable to original suits referred to sudder ameens as to those tried by moonsiffs. The special rules prescribed in Sections LVII, LVIII, and LIX, shall be likewise strictly observed by the sudder ameens in all suits, which may be referred to them relative to the inheritance of, or succession to landed property.

Rules to be followed in caſes not expreſsly provided for.

Proviſo.

Further Proviſo.

LXXIV. In points not expressly provided for by the foregoing Rules, the sudder ameens shall observe as nearly as may be practicable the rules prescribed in the Regulations for the guidance of the zillah and the city courts in the trial and decision of original civil suits. Provided however, that every notice, summons, attachment, or other process relative to any cause depending before a sudder ameen shall be issued under the seal of the zillah and city court, and under the official signature of the judge or register, and shall be executed through the regular officers of the zillah or city courts; provided further, that nothing in this Regulation shall be construed to empower the sudder ameens to realize by their own authority any fines, which they may impose under the general Regulations. In such instances they shall report the circumstances of each case to the zillah or city judge, who will either remit, or modify or confirm, the fine imposed by the sudder ameen, and will proceed to realize the same under the same rules as are prescribed for the execution of decrees.

What appealed ſuits may be referred to ſudder ameens.

LXXV. *First.* In addition to the original suits, which the zillah and city judges are authorized to refer to sudder ameens under Section LXVIII, they are empowered to refer to the sudder ameens, any depending appeals from the decisions of moonsiffs, which the judges themselves may be unable to try and determine with sufficient dispatch.

A ſeparate regiſter book to be kept of ſuch appeals.

Second. The sudder ameens, to whom such appeals may be referred, shall keep a separate register book of them, according to the Form prescribed in No. 4 of the Appendix to this Regulation, and in their monthly and half-yearly reports, they shall carefully distinguish suits referred to them in appeal, from suits referred to them for trial and determination in the first instance. The decisions of sudder ameens on appeals referred to them under this Section, shall be final, unless the zillah or city judges shall see reason to admit a special appeal under the provisions of Section II, Regulation XXVI, 1814.

Deciſions of ſudder ameens on ſuch appeals to be final.

Rules for the trial of ſuch appeals, and remuneration, to which the ſudder ameens are entitled in ſuch appeals.

Third. The sudder ameens shall try and determine all appeals, which may be referred to them in conformity with the rules prescribed for the trial and determination of appeals by the zillah and city courts, and when such appeals may be decided by them on an investigation of the merits of the case, or may be adjusted by razeenamahs of the parties, they shall be entitled to receive the same fees, as in original suits decided by them under the provisions of Section XLIX of this Regulation.

Matters of account and of fact and of uſage may be referred to the ſudder ameens for adjuſtment, inveſtigation, and report.

LXXVI. *First.* In the trial of regular suits by the zillah or city judges, or in miscellaneous cases, whenever the adjustment of accounts regarding the execution of decrees, and mercantile or revenue transactions, or the investigation of disputes between landlord and tenant, or of other special matters of account, fact, or usage, may

may be requisite; and such adjustment or investigation, if conducted by the judge himself, would occupy a larger portion of his time than could be conveniently devoted to it; the judge is hereby authorized to direct any of the sudder ameens under his jurisdiction, to make such adjustment or investigation.

Instructions to be furnished to the sudder ameens on such references.

Second. The judge shall in these cases furnish to the sudder ameen such part of the proceedings and such detailed instructions, as may appear necessary for his information and guidance, and shall direct the parties, or their vakeels, or authorized agents to attend upon the sudder ameen, during the adjustment or investigation.

What the instructions are to specify.

Third. The instructions must distinctly specify, whether the sudder ameen is merely to transmit the proceedings, which he may hold on the enquiry, or also to report his own opinion on the point referred for his investigation.

The proceedings of the sudder ameens on such references to be received as evidence.

Fourth. The proceedings of the sudder ameen are to be received in evidence in the case, unless the judge may have reason to be dissatisfied with them; in which case he will make such further enquiry as may be requisite, and will pass such ultimate judgment or order, as may appear to him to be right and proper.

Remuneration to be made to the sudder ameens on the completion of the duty.

Fifth. On the completion of the adjustment or enquiry, the judge shall order such a sum to be paid to the sudder ameen by one or both of the parties in the case, as may appear to be an adequate remuneration for his trouble; provided however that such sum shall in no case exceed one fourth of the value of the institution fee, or the amount of the stamp duty substituted for such institution fee under Regulation I, 1814.

Proviso.

Further proviso.

Sixth. Provided further, that in those zillahs or cities, in which a monthly salary is allowed by government to a sudder ameen, the adjustments or investigations described in this Section, shall be referred to such head commissioner, in all cases in which it would be improper to burthen the parties with any additional expense. In consideration of the monthly salary received by such sudder ameens from Government, he shall not be entitled to receive any additional compensation in those instances either from the parties or from Government.

Power vested in zillah and city judges by Sections L, LI, and LII, extended to Registers, with certain restrictions.

LXXVII. The power vested in the zillah and city judges by the preceding Section, and by Sections L, LI, and LII, of this Regulation, of referring special matters for adjustment or investigation to sudder ameens and moonsiffs, may also be exercised by the zillahs and city register in cases before them; with a view however to prevent the time of the sudder ameens and moonsiffs from being too much occupied by miscellaneous duties, the registers shall make those references through the channel of the zillah and city judge, who will exercise his discretion, either in sanctioning the reference, or in enjoining the register to make the adjustment or investigation according to the ordinary and established forms.

The provisions of this Regulation are not intended to apply to the foreign settlements.

LXXVIII. It is hereby declared, that the provisions of this Regulation are not applicable to the office of any moonsiff or sudder ameen, who may be employed in the settlements of Chandernagore, Chinsurah, and Serampore.

APPENDIX.

No. 1.

FORM of Sunnud to be granted to persons appointed to the office of Moonsiff.

"I, A. B. judge of the zillah or city of in virtue of the powers vested in me by Regulation XXIII, 1814, do hereby appoint you C. D. to the office of moonsiff of with the same local jurisdiction as that of the police jurisdiction of You are to hold your cutcherry at and are to affix this sunnud or a copy of it, duly authenticated, in some conspicuous place in the cutcherry. Under the rules now in force, you will receive the remuneration to which you may be entitled for the trial and decision of suits from the zillah or city court; and you are not entitled to receive any institution or other fee, any deposit or sum of money, or valuable consideration from any parties, or other persons, on account of the institution or trial, the proceedings, process, or decision of any suit before you. You are not empowered to take or demand any security, to levy any fine, or to execute any decree, without the previous sanction and orders of the zillah or city court in each instance. You are to hear and determine all suits cognizable by you, and to execute all other duties entrusted to you in your capacity of moonsiff, in strict conformity with the

rules prescribed in the Regulations now in force, or which may hereafter be enacted."

No. 2

FORM of Oath to be administered to persons appointed to the office of Moonsiff.

"I, A. B. appointed to the office of moonsiff of do solemnly Swear, That in the trial and determination of all suits, which may come under my cognizance, and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour or affection; that I will not directly or indirectly receive, or knowingly allow any other person to receive any money, effects or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will in all respects truly and faithfully execute the trust reposed in me."

No. 3.

FORM of Sunnud to be granted to persons who may be appointed to officiate as Vakeels in the cutcherries of the Moonsiffs.

"I, A. B. judge of the zillah or city of do hereby appoint you C. D. to act in the capacity of vakeel in the cutcherry of the moonsiff of You will not be liable to be removed from your office, unless the judge of the district or city of in consequence of misconduct on your part, or of there being no longer any necessity for your being employed in the capacity of vakeel, shall deem it proper to recal and cancel this sunnud."

No. 4.

FORM of a Register Book of Suits instituted before Moonsiffs (or referred to Sudder Aumeens.)

Number of the Suit.	Date of its Institution (or reference.)	Names of the Parties.	Amount and Subject of the Claim.	Date and Abstract of the Final Order.	Date on which Copies of the Decree were furnished or tendered to the Parties.
No. 1.	2d of February 1815.	Ramchund Paul, *vs.* Paunchoo Gope.	Debt on Bond 37 Rs.	20th of March 1815. Decreed in favour of the Plaintiff 33 Rs. original, and 2 Rs. Interest. Defendant to pay Costs 4 Rs. 6 Ans. Total 39 Rs. 6 Ans.	24th of March 1815. One Copy furnished to the Plaintiff himself, and another to the Vakeel of the Defendant.
No. 2.	2d of February.	Khodabuksh, *vs.* Meerun.	Debt of 7 Rupees for value of Rice furnished to Defendant.	Adjusted by Razeenameh, 10th of February.	
No. 3.	3d of February.	Poorun Singh, *vs.* Mohun Chuesa.	Arrears of Rent 14 Rupees.	April 1st. Decreed for 7 Rupees. Parties to pay their own Costs.	April 7th. Plaintiff absent.—Copy of the Decree furnished to the Defendant.

No. 5.

FORM of Monthly Report of Causes decided by A. B. Moonsiff or Sudder Ameen of in the Month of corresponding with the Month of

Number of the Suit on the Register Book, and Date of its Institution (or reference.)	Names of the Parties.	Substance of the Suit.	Date and Substance of the Decision.	Value of Stampt Paper on which the Plaint was written.
No. 6. 4th February 1815.	Ramchurn, *vrs.* Radanath.	Debt of 20 Rupees.	Decreed on the 3d April, for 20 Rupees and 2 Rupees 8 As. costs.	2 Rupees.

No. 6.

Half-yearly REPORT of Causes depending before A. B. Moonsiff or Sudder Ameen of on the 1st of July 1815.

Number of the Cause on the Register Book, and Date of its Institution (or reference.)	Names of the Parties.	Substance of the Suit.	Remarks explanatory of the Cause remaining undecided.
No. 96. 4th of May 1815.	Ramchurn, *vrs.* Gungaram.	30 Rupees Balance of Accounts.	Suspended for the evidence of Witnesses on the part of the defendant, who have been summoned.

No. 7.

FORM of Sunnud to be granted to persons appointed to the office of Sudder Ameens.

" I, A. B. judge of the zillah or city of in virtue of the powers vested in me by Regulation XXIII, 1814, do hereby appoint you C. D. to the office of sudder ameen of the zillah or city of You are to hold your cutcherry at and are to affix this Sunnud, or a copy of it, duly authenticated, in some conspicuous place in the cutcherry. You will receive the remuneration to which you may be entitled for the trial and decision of suits, from the zillah or city court; and you are not entitled to receive any institution or other fee, any deposit or sum of money or valuable consideration from any parties or other persons on account of the institution or trial, the proceedings, process, or decision of any suits before you. You are not empowered to take or demand any security, to levy any fine, or to execute any decree without the previous sanction and orders of the zillah or city court in each instance. You are to hear and determine all suits cognizable by you, and to execute all other duties entrusted to you in your capacity of sudder ameen, in strict conformity with the rules prescribed in the Regulations now in force, or which may hereafter be enacted."

No. 8.

FORM of Oath to be administered to persons appointed to the office of Sudder Ameen.

" I, A. B. appointed to the office of Sudder Ameen of the zillah or city do solemnly Swear, That in the trial and determination of all suits which may come under my cognizance, and in the execution of all the other

other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour or affection; that I will not directly or indirectly receive, or knowingly allow any other person to receive any money, effects or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute; I will strictly adhere to all the Rules prescribed for my guidance; and I will in all respects truly and faithfully execute the trust reposed in me."

A. D. 1814. REGULATION XXIV.

A REGULATION for abolishing the office of Assistant Judge of the Zillah and City Courts, and for making certain Modifications in the constitution and jurisdiction of those Courts:—Passed by the Vice President in Council, on the 29th of November 1814; corresponding with the 15th Aughun 1221 Bengal era; the 2d Aughun 1222 Fussily; the 16th Aughun 1222 Willaity; the 2d Aughun 1871 Sumbut; and the 16th Zeheijah 1229 Higeree.

Preamble.

WHEREAS it has been deemed expedient to abolish the office of Assistant Judge, and to make certain modifications in the constitution and jurisdiction of the zillah and city courts: And whereas it will contribute to the public convenience to provide for the occasional appointment of two or more registers of a zillah or city court, and to authorise the establishment of the Register's Courts at a place or places not being the fixed station of the judge and magistrate; And whereas the decision of civil suits will be expedited by vesting one or more of the registers of a zillah or city court, with certain special powers in the trial and determination of regular and summary civil suits, in cases in which such an arrangement may be deemed requisite; The following Rules are hereby enacted, to be in force from the 1st of February 1815, throughout the territories immediately dependant on the Presidency of Fort William.

Rules Rescinded.

II. Sections II, III, IV, V, VI, VII, VIII, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, and XXVII, Regulation XLIX, 1803; and the corresponding Rules contained in Clauses Fifth, Sixth, and Seventh, Section VI, in Sections XI, XII, and XVI, and in Clauses Second, Third, and Fourth, of Section XVII, Regulation VIII, 1805, are hereby Rescinded.

The office of Assistant Judge abolished.

III. From and after the 1st of February 1815, the office of Assistant Judge in the zillah and city courts shall be abolished. Any civil suits which may be depending on that date before the assistant judges, shall be tried and determined by the zillah or city judges, or shall be referred for trial and decision to the register, or sudder ameens, in cases in which such references may be authorised by the Regulations. The allowances granted to assistant judges, and to the native officers on their establishments, shall cease and determine from the 1st of February 1815.

Rules regarding the appointment of registers of the zillah and city courts.

IV. No person shall be hereafter deemed qualified to hold the office of register of a zillah and city court, or of a provincial court, or of register or deputy register of the Sudder Dewanny Adawlut, unless he shall have obtained a certificate from the Council of the College of Fort William, signifying that he is duly qualified to enter upon the public service, in conformity with the Statutes of the College.

Rules regarding the appointment of judges and magistrates of the zillah and city courts.

V. No person shall be hereafter deemed qualified to be appointed to the situation of judge and magistrate of any zillah or city court, unless he shall have previously officiated as assistant judge or register, or as joint or assistant magistrate, for a period not being less than three years; or unless he shall have been employed in other situations in the judicial department, or in any offices imposing the discharge of judicial functions, either of a criminal or civil nature, for a total period not being less than three years.

Jurisdiction of zillah or city judges in the trial of original regular suits.

VI. *First.* The zillah and city judges are authorized to try and determine original civil suits depending in their courts, which may have been heretofore instituted, in conformity with the Regulations. They are also authorized to try and determine any civil suits, which may be hereafter regularly instituted in their courts, provided the value or amount of the claim, calculated according to the provi-

sions of Section XIV, Regulation I, 1814, shall not exceed five thousand sicca rupees.

And in the trial of appeals.

Second. An appeal shall lie to the zillah or city judge from all decisions which may be passed on the trial of original suits by the moonsiffs, sudder ameens, and registers of each zillah or city jurisdiction; provided however, that this rule shall not be construed to extend to any suits which may be tried and decided by a register under the provisions of Clause Sixth, Section IX, of this Regulation.

Proviſo.

And in the trial of ſecond or ſpecial appeals.

Third. The zillah and city judges are further authorized to admit a second or special appeal from the judgments passed by registers in appeals referred to them under Clause Fourth, Section IX, of this Regulation, as well as from the judgments of sudder ameens, on appeals referred to them from the original decisions of moonsiffs; in receiving and trying such special appeals, the zillah and city judges are to be guided by the rules contained in Section II, of Regulation XXVI, 1814.

Zillah and city judges prohibited from referring certain ſuits to the ſudder ameens.

VII. *First.* From and after the 1st of February 1815, the zillah and city judges are prohibited from referring to a sudder ameen any suit, in which a British European subject, or an European foreigner, or an American, may be a party; this rule, however, is not intended to preclude the sudden ameens from trying and deciding any suits of the above description, which may have been referred to them previously to the 1st of February 1815.

But may refer all other original regular ſuits not exceeding 150 Sa. Rs. in amount to the ſudder ameens.

Second. With the preceding exception, the zillah and city judges are authorized to refer to the sudder ameens for trial and decision in the first instance, any depending civil suits, in which the value or amount of the claim, calculated according to the provisions of Section XIV, Regulation I, 1814, may not exceed one hundred and fifty sicca rupees. Such suits shall be tried and determined by the sudder ameens in conformity with the provisions of Regulation XXIII, 1814.

An appeal ſhall lie to the zillah or city judge from deciſions of ſudder ameens in ſuch ſuits.

Third. From all decisions passed by a sudder ameen on such original suits, an appeal shall lie to the zillah and city judge, under the general rules in force regarding the admission of appeals; and the decision of the judge on such appeal shall be final, unless the provincial court shall see sufficient cause for admitting a special appeal under the rules and restrictions contained in Section II of Regulation XXVI, 1814.

Appeals from the judgments of moonſiffs may be referred to the ſudder ameens.

Fourth. The zillah and city judges are further empowered to refer to the sudder ameens any appeals, which may be admitted from the original decisions of moonsiffs. In the trial of such appealed suits, the sudder ameens shall be guided by the provisions of Section LXXV, Regulation XXIII, 1814, and their judgments upon them shall be final, unless the zillah and city judges shall see sufficient reason to admit a special appeal, under the rules and restrictions contained in Section II of Regulation XXVI, 1814.

What ſuits may be referred to regiſters.

VIII. *First.* The judges of the zillah and city courts are authorized to refer to their registers for trial and decision in the first instance, any original depending suits, in which the value or amount of the claim, calculated according to the provisions of Section XIV, Regulation I, 1814, may not exceed five hundred rupees. In the trial of all causes referred to the registers of the zillah and city courts under this clause, they shall be guided by the general provisions in force for the trial of civil suits in the zillah and city courts.

What fees ſhall be paid to regiſters on deciding ſuch ſuits.

Second. On all suits referred to registers under the preceding Clause, or under the Regulations heretofore in force, which may be decided by them subsequently to the 1st of February 1815, the registers shall be entitled to receive one moiety of the institution fee, or of the amount of the stamp duty, substituted for such institution fee by Regulation I, 1814.

Regiſters not entitled to any fee on non-ſuits.

Third. Provided however, that the registers shall not be entitled to receive any fee or remuneration on causes which may be dismissed by them, from the non-attendance of the plaintiff, or upon any other ground of nonsuit or default, without a determination on the merits of the suit.

Regiſters not entitled to receive any fee on caſes adjuſted by razeenamah before the pleading ſhall have been read.

Fourth. Provided further, that in suits depending before a register, which may be adjusted by razeenamah, previously to the pleadings being completed and read, the register shall not be entitled to any fee; but the whole of the institution fee, or of the stamp duty substituted for such institution fee by Regulation I, 1814, shall be returned to the party who may have paid the same, or to his legal representative.

But ſhall receive a certain fee when the razeenamah ſhall be

Fifth. If the razeenamah shall be filed after the pleadings have been completed and read, a moiety only of the institution fee, or of the stamp duty substituted for

such institution fee, shall be returned to the party who may have paid the same, or to his legal representative; and the register shall be entitled to receive the remaining moiety of such institution fee or stamp duty.

filed after the pleadings may have been read.

Sixth. An appeal shall lie to the zillah or city judges from all decisions passed by registers in suits referred to them under this Section, provided the appeal be preferred in conformity with the general rules and conditions prescribed for the admission of such appeals.

An appeal shall lie to the judge from decisions passed by registers in suits referred to them under this Section.

Seventh. In lieu of the rules contained in Section VIII, Regulation XLIX, 1803, it is hereby declared, that the decrees which may be passed by the zillah and city judges on such appeals subsequently to the 1st of February 1815 shall be final, whatever may be the amount adjudged or disallowed by them, unless the provincial court should see sufficient reason for admitting a special appeal from such decisions under the provisions of Section II, Regulation XXVI, 1814.

And the decision of the judge on such appeals shall be final.

Exception.

IX. *First.* Exclusively of the ordinary jurisdiction of registers of the zillah and city courts, as explained in the preceding Section, the Governor General in Council shall be deemed competent to invest the register of any zillah or city court with special additional powers in the trial and decision of regular civil suits, under the following rules.

Registers may be invested with further additional powers in the trial of suits.

Second. Whenever the accumulation of civil suits, or the arrears of business depending in any zillah or city court, may render it impracticable for the judge of such Court, to try and determine the suits depending before him with sufficient promptitude and dispatch, and the court of Sudder Dewanny Adawlut may be of opinion, either in consequence of a report from the judge of such zillah or city, or from any other information before them, that the register of such zillah or city court is duly qualified by his experience, industry, and abilities, to be entrusted with the whole or any part of the special powers described in Clauses Fourth and Sixth of this Section, the Sudder Dewanny Adawlut shall communicate their sentiments on the subject to Government, accompanied by a statement of the number of civil suits of every description depending respectively before the judge and the register of such zillah or city court.

The Sudder Dewanny Adawlut to report to Government when such further powers may be requisite.

Third. On the receipt of such report from the Sudder Dewanny Adawlut, or upon any other information before Government, it shall be competent to the Governor General in Council to invest such register with the whole or any part of the special powers described in the following Clauses of this Section, and information shall be communicated in every instance in which such powers may be vested in a register, to the Sudder Dewanny Adawlut, to the provincial court of the division, and to the zillah or city judge.

Mode of granting such powers to a register.

Fourth. The register may be specially empowered to try and determine any depending suits in appeal from the original decisions of moonsiffs or of sudder ameens, which the zillah or city judge may think proper to refer to him; the decision of the register on such appeals shall be final, unless the zillah or city judge shall see sufficient reason for admitting a second or special appeal under the provisions contained in Section II, Regulation XXVI, 1814.

Appeals from the decisions of moonsiffs and sudder ameens may be referred to registers, whose decisions on them shall be final.——Exception.

Fifth. On suits, which may be referred to a register under the foregoing Clause, and which may be decided by him on an investigation of the merits, the register shall be entitled to receive the full amount or value of the institution fee, or of the stamp duty substituted for such fee by Regulation I, 1814, subject to the provisions contained in Clauses Third, Fourth and Fifth, of the preceding Section.

What Fees the Register shall receive for deciding such suits

Sixth. The register may be further specially empowered to try and decide any suits exceeding five hundred rupees in value or amount originally instituted in the zillah or city courts, which the judge of such court may think proper to refer to him. In the trial of all causes, which may be referred to a register under this Clause, or under Clause Fourth of this Section, the register is to be guided by the rules which are prescribed for the trial of similar causes before the judges of the zillah and city courts.

Original suits exceeding 500 rupees in amount may be referred to registers.

Seventh. On every suit which may be referred to a register under the preceding Clause, and which may be decided by him on an investigation of the merits, the register shall be entitled to receive a fee of sixteen rupees; but the register shall not be entitled to receive any fee or remuneration on such suits, which may be dismissed from the non-attendance of the plaintiff or upon any other ground of nonsuit, or default, without a determination on the merits of the suit.

What fees the register shall be entitled to receive on deciding such suits on an investigation of the merits.

Eighth. When a suit referred to a register under Clause Sixth of this Section, may be adjusted by razeenamah previously to the pleadings being completed and read, the register

But shall receive no fee in cases adjusted by razeenamah be-

fore the pleadings may have been read.

register shall not be entitled to receive any fee, but the whole of the institution fee, or of the stamp duty substituted for such fee, shall be returned to the party who may have paid the same, or to his legal representative.

But ſhall receive eight rupees when the razeenamah may be filed, after the pleadings ſhall have been read.

Ninth. If the razeenamah shall be filed after the pleadings are completed and read, a moiety of the institution fee, or of the stamp duty substituted for such fee, shall be returned to the party who may have paid the same, or to his legal representative, and the register shall be entitled to receive a fee of eight rupees from the amount of the remaining moiety.

An appeal ſhall lie to the provincial court from deciſions paſſed by regiſters in ſuch ſuits.

Tenth. From all decisions passed by a register, on suits referred to him under Clause Sixth of this Section, an appeal shall lie to the provincial court, in the same manner, and under the same provisions, as if such suits had been tried and determined in the first instance by the zillah or city judge.

Proceſſes and communications to a regiſter from a provincial court how to be iſſued.

Eleventh. In cases in which an appeal may lie to the provincial court from the original decision of a register under Clause Sixth of this Section, as well as in all cases in which a provincial court may have occasion to issue process regarding causes decided by or depending before a register, such process shall be transmitted to the judge of the zillah or city, who shall forward the same to the register; or shall himself comply with the exigency of it, if from absence or any other sufficient cause the register may be prevented from so doing. In like manner, all returns and communications from a register to a provincial court, or to any other court, authority, or office, shall be made through the judge of the zillah or city in which such register may be employed.

Special powers not to be exerciſed by regiſters without the previous ſanction of Government; and ſuch powers may at any time be revoked by the Governor General in Council.

Twelfth. Upon the death, removal, or resignation of any register, who may have been invested with special powers under the provisions of this Regulation, the person succeeding to the office of register, shall in no case be entitled to exercise such special powers without the previous sanction of the Governor General in Council; and it shall at all times be competent to the Governor General in Council to revoke the special powers which may have been entrusted to the register of a zillah or city court under this Section, either in consequence of the arrears of depending business having been sufficiently reduced, or for any other cause, which in the opinion of the Governor General in Council may render the adoption of that measure expedient.

Judges may recal ſuits referred to regiſters or to ſudder ameens.

X. The judges of the zillah and city courts are at all times authorized to recal from the registers, and from the sudder ameens, any depending suits, which may have been referred to them under the present or former Regulations, and which for the more speedy administration of justice, or for any other reason, the zillah or city judges may deem it proper to determine themselves in the first instance, or to refer to any other competent authority.

Powers veſted in the zillah and city judges with regard to the mode of ſigning proceſſes and examining witneſſes.

XI. *First.* The judges of the zillah and city courts are authorized to employ their registers and assistants in signing and issuing any process of court to which the signature of the judge may not be specially required by any Regulation: They are further authorized to employ their registers and assistants, or any of their principal native officers, in taking down the depositions of witnesses, whom they may not have time to examine vivâ voce themselves; provided that such depositions be taken in open court in the presence of the parties, or their authorized pleaders, whose attestations shall be subscribed to all depositions so taken in testimony of their having been present; and if any question or dispute shall arise in taking the deposition of a witness so examined, the judge shall as soon as may be practicable, enquire into the question, and shall pass such order as may appear to him to be proper.

And in regiſters.

Second. The registers of the zillah and city courts may in like manner cause the depositions of witnesses, in suits referred to them, to be taken before their assistants, or before any of their principal native officers, whenever the adoption of that measure may appear to be indispensably necessary for the speedy determination of such suits.

Rules requiring regiſters to hold their courts at the ſudder ſtation of the zillah or city modified.

XII. *First.* Such parts of the rules in force as require that the registers of the zillah and city courts shall hold their sittings for the trial of civil suits referred to them, in the court house of the zillah or city Dewanny Adawlut; and that all process, which it may be necessary to issue in such suits, shall be issued under the seal of the zillah or city court, and be executed by the officers of that court, are hereby declared subject to the following modifications.

Additional regiſters may be appointed in a zillah or city juriſdiction.

Second. It shall be competent to the Governor General in Council to appoint one or more registers in any zillah or city court, in addition to the person holding that office under the established constitution of the courts. Such additional registers shall be denominated second, or third register, and shall possess the same powers, and perform

perform the same duties as the registers to the zillah and city courts under the Regulations in force, and the following provisions of this Section.

Third. It shall further be competent to the Governor General in Council, to station the register or registers at any place or places within the jurisdiction of a zillah or city court of Dewanny Adawlut; and whenever a register may be stationed at any place, not being the sudder station of the zillah or city court, the sittings and proceedings of such registers shall be held in a convenient and open court room to be provided for that purpose, at such place as Government may direct.

Registers may be stationed at other places than at the fixed station of the zillah or city court.

Fourth. When a register may be stationed at any place, not being the station of the zillah or city Dewanny Adawlut, all process which it may be necessary to issue in suits referred to, or in matters cognizable by such register, shall be issued under the official seal and signature of the register, and shall be executed by the officers specially appointed for that purpose, in concurrence with the officers of the zillah or city court, in cases in which their aid may be requisite.

Register's processes how to be issued in such cases.

Fifth. The judges of the zillah or city courts, and the public officers acting under them, are required to aid and support the execution of any process which may be issued by the registers in the mode prescribed; and any disobedience or resistance to process so issued, is hereby declared to be liable to the same penalties as disobedience or resistance to the process of a zillah or city court.

Penalty for disobedience to the process of a register in such cases.

Sixth. The judicial powers of a register, who may be stationed at a place not being the station of the zillah or city Dewanny Adawlut under the provisions of this Section, shall be the same as those of the registers employed at the station of the zillah or city courts, viz. to try and decide according to the Regulations in force, any suits or matters which may be referred to them by the zillah or city judges, and which may be cognizable by such registers, either in their ordinary jurisdiction, or under the special powers with which they may be vested in conformity with Section IX of this Regulation.

What powers shall be vested in a register so stationed.

Seventh. Provided however, that it shall be competent to the Governor General in Council to invest any register, who may be stationed under the provisions of this Regulation at a place not being the station of the zillah or city Dewanny Adawlut, with original jurisdiction within local defined limits, in the cognizance and trial of summary suits for the recovery of arrears of revenue, and in all other cases in which a summary action is allowed by the Regulations in force.

Proviso with regard to summary suits.

Eighth. In receiving and trying such summary suits, the register shall possess the same authority, and shall proceed in the same manner as if the case had been referred to him by the zillah or city judge. The decisions of the register on such suits shall be appealable or not, according to the established rules for appeals which may be applicable to the case.

Rules for receiving and trying such summary suits.

Ninth. In referring regular civil suits or appeals for trial and decision to a register, stationed at any other place than the fixed station of the zillah or city Dewanny Adawlut, and who may also have been entrusted with a local jurisdiction as joint or assistant magistrate, the judge shall generally select, in preference to others, depending suits or appeals, in which the cause of action may have arisen, or the parties may reside, within the local jurisdiction entrusted to such register in his capacity of joint or assistant magistrate.

What regular suits shall be generally referred to registers stationed at any other place than the sudder station of the zillah or city.

Tenth. The monthly, half-yearly, or other periodical reports, which are prescribed by the Regulations, shall be furnished by such registers to the judges of the zillah or city courts in whose jurisdiction they may be employed, in order that such reports may be incorporated with those which the zillah and city judges are required to furnish to the provincial courts, and to the Sudder Dewanny Adawlut.

Reports to be furnished by registers so stationed.

Eleventh. All official correspondence or communications addressed by such registers to the courts of justice or to other public authorities, shall be transmitted through the channel of the respective judges of the zillah or city courts, except in instances which may appear to require immediate dispatch. But in all cases in which such registers may find it necessary to transmit any official communication to a court or other public authority, in any other mode than through the zillah or city judge, they shall forward a copy of such communication with as little delay as possible for the information of the zillah or city judge.

Through what channel the correspondence of such registers shall be conducted.

Twelfth. In all matters of form or practice relative to the proceedings of a register stationed at any place not being the fixed station of the zillah or city court under the foregoing provisions, for which no express rule may be prescribed in this or any other Regulation, the register shall be guided by the instructions of the court of Sudder Dewanny Adawlut.

Instructions to be furnished by the Sudder Dewanny Adawlut in cases not provided for by Regulations.

A. D. 1814. REGULATION XXV.

A REGULATION for modifying the Constitution and Jurisdiction of the Sudder Dewanny Adawlut, and of the Provincial Courts, for expediting the Trial of Civil Causes in those Courts, and for defining more fully the Powers of single Judges holding the Sittings of those Courts, or of the Nizamut Adawlut, and Courts of Circuit:—Passed by the Vice President in Council, on the 29th of November 1814; corresponding with the 15th Aughun 1221 Bengal era; the 2d Aughun 1222 Fussily; the 16th Aughun 1222 Willaity; the 2d Aughun 1871 Sumbut; and the 16th Zeheija 1229 Higeree.

Preamble.

WHEREAS it is expedient, that such persons only as may have been previously employed during sufficient periods in the discharge of judicial functions should be hereafter appointed to the office of judge in the Sudder Dewanny and Nizamut Adawlut, and in the provincial courts and courts of circuit: And whereas it is requisite, with a view to expedite the decision of civil causes, to make certain modifications in the existing rules regarding the jurisdiction of those courts in the trial of original suits and appeals: And whereas it has become necessary, for the purpose of removing certain doubts, which have arisen regarding the construction of Sections II and VI, Regulation XIII, 1808, to modify and explain the rules contained in those Sections; and to make further provision for the guidance of the Sudder Dewanny Adawlut, and Nizamut Adawlut, and of the provincial courts and courts of circuit, when a difference of opinion may arise among the judges of those courts, and to define more fully the powers to be exercised and the duties to be performed by single judges of those courts; The following Rules are hereby enacted, to be in force from the 1st of February 1815, throughout the territories immediately dependent upon the Presidency of Fort William.

Rules regarding the appointment of judges of the provincial courts.

II. From and after the 1st February 1815, no person shall be deemed qualified to be appointed to the office of a judge of a provincial court or court of circuit, unless he shall have previously officiated as judge or magistrate of a zillah or city court for a period not being less than three years, or unless he shall have been previously employed in the judicial department, or in offices requiring the discharge of judicial functions, whether of a criminal, or civil nature, for a total period not being less than six years.

Cases in which suits exceeding 1,000 rupees in amount may be transferred from the zillah and city courts to the provincial courts.

III. *First.* All original regular civil suits, in which the value or amount of the claim, calculated according to the provisions of Section XIV, Regulation I, 1814, may not exceed five thousand rupees, shall be instituted and tried as heretofore in the zillah and city courts; but if it shall at any time appear, that from the pressure of business in any zillah or city court, suits exceeding one thousand rupees in value or amount can be more conveniently and expeditiously tried in the first instance by the provincial court of the division, than by the zillah or city court, before which they may be depending; it shall be competent to the Sudder Dewanny Adawlut to order the transfer of all or any of such suits to the said provincial court.

Rules regarding the transfer and trial of such suits.

Second. In the transfer and trial of such suits, the provincial courts shall be guided by the same provisions as are prescribed for their guidance in the transfer and trial of suits exceeding five thousand rupees in value or amount.

An appeal to lie to the provincial court in all suits tried in the first instance, by zillah and city judges and in suits tried by registers exceeding 500 rupees in amount.

Third. An appeal shall lie to the provincial court from the decisions passed by the zillah and city judges on all regular civil suits tried and determined by them in the first instance, as well as from the decisions which may be passed by registers under Clause Sixth, Section IX, Regulation XXIV, 1814, in suits exceeding five hundred rupees in value or amount.

In what cases a special appeal may be admitted by provincial courts, and how they are to be tried.

Fourth. The provincial courts are further empowered to admit a second or special appeal from decisions passed by the zillah and city judges, on regular appeals from the original judgments of registers, sudder ameens and moonsiffs: such special appeals are to be admitted and tried under the rules and restrictions contained in Section II, Regulation XXVI, 1814.

Provisions regarding reviews and summary appeals.

Fifth. Nothing in this Regulation shall be construed to prohibit the Provincial Courts from applying for permission to review their own judgments, or from admitting summary appeals in the cases provided for by Clause Third, Section III, Regulation XXVI, 1814.

Rules regarding the appointment of judges of the Sudder

IV. From and after the 1st of February 1815, no person shall be deemed qualified to be appointed to the office of a judge of the Sudder Dewanny or Nizamut

Adawlut, unless he shall have previously officiated as judge of a provincial court of appeal, or of a court of circuit, for a period not being less than three years; or unless he shall have been previously employed in the judicial department, or in offices requiring the discharge of judicial functions, whether of a criminal or civil nature, for a total period not being less than nine years.

Dewanny and Nizamut Adawlut.

V. *First.* All original regular suits in which the value or amount of the claim, calculated according to the provisions of Section XIV, Regulation I, 1814, may exceed five thousand sicca rupees, shall be instituted and tried as heretofore in the provincial courts; but if it shall at any time appear to the Sudder Dewanny Adawlut, that from the pressure of business in any of the provincial courts, suits amounting to fifty thousand current rupees (or 43,103 sicca rupees) being the amount fixed for appeals to the King in Council, can be more conveniently or expeditiously tried in the first instance by the Sudder Dewanny Adawlut, than by the provincial court before whom they may be depending, it shall be competent to the Sudder Dewanny Adawlut to order the transfer of all or any of such suits from the provincial courts to the Sudder Dewanny Adawlut. In the transfer and trial of such suits the Sudder Dewanny Adawlut shall be guided by the same provisions as are prescribed for the conduct of the provincial courts regarding the transfer and trial of original suits exceeding five thousand rupees in value, depending in the zillah and city courts.

The Sudder Dewanny Adawlut authorized to direct the transfer of suits exceeding 50,000 current rupees in value from the provincial courts to the Sudder Dewanny Adawlut.

Second. An appeal shall lie to the Sudder Dewanny Adawlut from the judgments passed by the Provincial Courts, in all regular civil suits, which may be tried and determined in the first instance by those courts, under the rules heretofore in force, or in conformity with Section III of this Regulation.

An appeal to lie to the Sudder Dewanny Adawlut in all suits tried in the first instance by the provincial courts.

Third. The Sudder Dewanny Adawlut is further empowered to admit a second or special appeal from the judgments passed by provincial courts, on regular appeals admitted by them, from original decisions of zillah and city judges and assistant judges, or from the original decisions of Registers passed under the provisions of Clause Sixth, Section IX, Regulation XXIV, 1814.

In what cases a special appeal may be admitted by the Sudder Dewanny Adawlut.

Fourth. In receiving and trying such special appeals, the Sudder Dewanny Adawlut is to be guided by the Rules contained in Section II, Regulation XXVI, 1814.

How such special appeals shall be received and tried.

Fifth. Nothing contained in this Regulation shall be construed to preclude the Sudder Dewanny Adawlut from authorizing the several courts of civil judicature to revise their own judgments, or to preclude the Sudder Dewanny Adawlut from admitting a summary appeal under the provisions contained in Section III, Regulation XXVI, 1814.

Provisions regarding reviews and summary appeals.

VI. In addition to the provision made by Clause Second of Section II, Regulation XIII, 1810, for the regular sittings of the provincial courts being held before a single judge, whenever from the absence, or indisposition of one or more of the judges of a provincial court, or any other unavoidable cause, the regular sittings of a provincial court cannot be held before two or more judges of such court; it is hereby provided, that whenever from the number of original causes and appeals depending before a provincial court, it may appear requisite, for the speedy trial and decision of such causes and appeals, or for the general dispatch of business depending before the court, that separate sittings of the court should be held at the same time, before one or more judges respectively, and the number of judges present at the station may admit of such separate sittings being held, it shall be competent to the judges of the provincial courts to hold the same, and to pass orders or judgments, in conformity with the Regulations, subject to the same restrictions when the sitting may be held before a single judge, as are prescribed by the Rules in force with respect to single judges of the provincial courts holding sittings of those courts, under the provisions of Section II, Regulation XIII, 1810.

In what cases separate sittings of the provincial courts may be held before one or more judges of those courts.

Under what restrictions single judges may pass orders or judgments, in such cases.

VII. The rules contained in Sections III and IV, Regulation XIII, 1810, respecting decisions passed by a single judge, and the general duties to be performed and the powers to be exercised by single judges of the provincial courts, under that Regulation, shall be considered equally applicable to the powers and duties of single judges of the provincial courts, and to decisions passed by them, under the present Regulation.

Rules in Sections III and IV, Regulation XIII, 1810, applicable to powers and duties of single judges of the provincial courts under the present Regulation.

VIII. In modification of the Third Clause of Section II, Regulation XIII, 1810, requiring the sitting of two judges to reverse or alter a decision or order appealed

Powers of single judges of the provincial courts sitting

upon appeals in ſucceſſion, and concurring in opinion.

appealed to a provincial court, and of such part of any other Regulation in force, as directs that decrees are to be signed by the judges passing the same; it is hereby provided, that when a single judge of a provincial court, trying a case in appeal from a zillah or city judge, assistant judge, or register, shall be of opinion, that the decision appealed from, ought to be reversed, or altered, and shall record his sentiments to that effect; and another judge of the provincial court, sitting afterwards upon the same appeal, shall concur in the opinion so recorded, it shall be competent to the second judge to pass the decree, or final order, in conformity thereto, and to cause the same to be carried into execution, in the mode prescribed by the Regulations; without waiting for a sitting of both judges, when circumstances may not conveniently admit of it. In such cases, the decree or order shall be signed by the judge present at the final sitting; and the signature of the judge who first sat shall not be considered requisite; but his opinion, as recorded by him, shall be recited in the decree or final order, and in the copies of it delivered to the parties.

Decree or order may be ſigned by the judge preſent at the final ſitting in ſuch caſes.

Parts of the Regulations in force, which gave a caſting vote to the ſenior judges of the provincial courts Repealed.

IX. *First.* Such parts of the Regulations in force as provide, in cases of a difference of opinion between two judges of the provincial courts of appeal, that the senior judge shall have a casting vote, in affirming, reversing, or altering the decree or order of a zillah or city court, when the case may be further appealable to the court of Sudder Dewanny Adawlut, or a casting voice in affirming the decree or order of a zillah or city court, but not in reversing or altering it when the division of the provincial court may be final, are hereby Rescinded.

Rule to be obſerved when a difference of opinion may ariſe between two judges of a provincial court trying an appeal.

Second. Whenever two judges of a provincial court may try an appeal from the decision or order of a judge, assistant judge, or register of a zillah or city court, and a difference of opinion may arise between such judges, the determination of the provincial court shall be suspended until the opinion of a third judge of that court can be taken, when the decision shall be passed according to the majority of voices.

The ſame rule to be obſerved when two judges, trying an original ſuit, may differ in opinion.

Third. The rules stated in the above clause shall also be observed in all civil suits, tried by the provincial courts in the first instance, wherein a difference of opinion may arise between two of the judges of those courts, sitting on the trial of such suits.

The ſame principle to be obſerved in all other buſineſs before two judges of a provincial court, when a difference of opinion may ariſe.

Fourth. The same principle shall be observed in all other business of a general or miscellaneous nature before two judges of a provincial court, when a difference of opinion may arise between them, and in general, when there may not be a third judge present at the station, the decision of the question shall be postponed for the attendance of another judge. But in cases not involving any matter of judicial cognizance, if a third judge be within the division, though not at the sudder station, and the business appear to require an early decision, the papers relative thereto may be sent to him for his written opinion, and on receipt thereof, a determination shall be passed according to the majority of voices.

In what caſes the papers may be ſent to a third judge within the diviſion, but not at the ſudder ſtation, for his opinion.

Rule to be obſerved when a difference of opinion may take place between four judges of a provincial court, and the number of voices may be equal.

Fifth. If in any instance a difference of opinion should take place in questions before four judges of a provincial court, and the number of voices be equal, the first judge, concurring with any one of the other judges, shall posses a casting vote, and the resolution shall be passed accordingly.

What powers may be exerciſed by ſingle judges of the provincial courts, with reſpect to the appointment and removal of miniſterial native officers of the zillah and city courts.

X. *First.* By Section IV, Regulation I, 1807, and Section IV, Regulation XIII, 1810, single judges holdings sittings of the provincial courts of appeal under the provisions of those Regulations, are empowered to perform all miscellaneous duties appertaining to the provincial courts, and to proceed as two or more judges of those courts are empowered to proceed, except when they may be of opinion, that the order of a zillah or city court, or the order of another judge of the provincial court, should be reversed, or altered. It having been doubted whether the powers thus vested in a single judge, include the appointment and the removal of the ministerial native officers of the zillah or city civil courts, whose appointment and removal, on reports from the zillah and city judges are or may be vested in the provincial courts, it is hereby declared that single judges of the provincial courts, holding sittings of those courts, under the provisions contained in Regulation XIII, *1810, or the present Regulation,* are empowered to proceed in like manner as two *or more judges of the provincial courts* are empowered to proceed under Section *VII, Regulation VIII, 1809,* except when they may differ in opinion from the *zillah or city judge,* respecting the appointment or removal of any native officer of the zillah or city courts; in which case the question shall be brought before two or more judges of the court.

Second. A

Second. A single judge holding the sittings of the provincial court shall be competent to suspend any ministerial native officer of that court, but shall not be competent to pass any final order or decision regarding the removal or appointment of any native ministerial officer of a provincial court; all questions which may arise respecting the appointment or removal of such officers shall be brought before two or more judges of the court, and shall be decided, in cases of a difference of opinion, in conformity with Section IX of this Regulation.

And of ministerial native officers of the provincial courts.

XI. Under the existing Regulations, the jail deliveries of the several zillahs and cities are held before a single judge of the court of circuit, and a law officer of that court. The judges holding such jail deliveries, in the trial of prisoners committed or held to bail by the magistrate to be tried before the courts of circuit, as prescribed by the Regulations, possess in conjunction with their law officers, the full powers which are vested in the courts of circuit for the trial and punishment of criminal offences. But the powers of single judges of the courts of circuit at the sudder stations have not been defined by any Regulation. The provisions contained in the following Section are therefore enacted for this purpose.

What powers vested in single judges of the courts of circuit and their law officers holding the zillah and city jail deliveries.

Provisions in following Sections enacted to define powers of single judges of the courts of circuit at the sudder station.

XII. *First.* Whenever, from the absence, or indisposition, of one or more of the judges of a court of circuit, or from one or more of the judges being occupied with the business of the civil court, or from vacancies, or any other cause, the sitting of a court of circuit at the sudder station, cannot be held before two judges, it shall be competent to a single judge to hold the sitting of the court; to call for the proceedings of a zillah or city magistrate, a joint magistrate, or an assistant magistrate, in cases in which there may appear to be sufficient cause for requiring such proceedings; to execute all sentences and orders received from the court of Nizamut Adawlut; and to pass orders in conformity with the Regulations, on all matters cognizable by the courts of circuit at the sudder station, subject to the following provisions.

For what cases a single judge may hold the sitting of a court of circuit at the sudder station.

And what duties may be performed by him, subject to the following provisions.

Second. In all cases wherein a decision, or order, may have been passed by a zillah or city magistrate, or by a joint or assistant magistrate, it shall not be competent to a single judge of a court of circuit sitting at the sudder station to reverse or alter such decision or order, without the concurrence of another judge of the court of circuit.

Not to reverse or alter the decision or order of a magistrate or a joint or assistant magistrate without the concurrence of another judge.

Third. In cases in which a decision or order may have been already passed by one or more judges of a court of circuit, it shall not be competent to a single judge to reverse or alter the decision or order so passed.

Not to reverse or alter a former decision or order of one or more judges of a court of circuit.

Fourth. No judge of circuit shall take cognizance of appeals to the court of circuit against decisions, or orders, passed by himself in the capacity of magistrate, joint magistrate, or assistant magistrate; or in any other capacity.

Not to take cognizance of appeals against decisions or orders passed by himself.

Fifth. In cases referred to the court of circuit, at the sudder station, by the judge of circuit holding a jail delivery, in pursuance of Section XXII, Regulation IX, 1807, or any other Regulation directing or authorising a reference to the court of circuit at the sudder station, by the judge of circuit employed upon the duties of the zillah and city jail deliveries, if there be only one judge at the sudder station, or if the case shall come before a single judge, under the provision made by the Clause First of this Section, and such judge shall concur in opinion with the judge making the reference, he shall be competent to pass a final order in conformity with their joint opinion and the Regulations. But if the judge at the sudder station should differ in opinion from the judge making the reference in such cases, he shall record his opinion, and the question shall lie over until the opinion of a third judge can be obtained.

Rule to be observed on references from a judge of circuit holding a jail delivery when a single judge at the sudder station may concur with or differ from the judge making the reference.

Sixth. The rule contained in Section X of this Regulation, with respect to the appointment and removal of the ministerial native officers of the provincial courts of appeal and of the zillah and city civil courts, shall be considered applicable to, and observed by single judges of the courts of circuit, holding the sittings of those courts, at the sudder stations under the present Section, with respect to the appointment and removal of ministerial native officers of the courts of circuit; or of the zillah and city magistrates, joint magistrates, or assistant magistrates, or native officers of the police, in cases in which the appointment or removal of such officers is subject to the confirmation of the courts of circuit.

Rule in Section X of this Regulation, applicable to single judges of courts of circuit, respecting appointment and removal of ministerial native officers.

XIII. Decisions and orders of a single judge of a court of circuit, holding a sitting of the court at the sudder station, in pursuance of Clause First of the preceding Section, shall, if passed in conformity with the several provisions of

Decisions and orders of a single judge of a court of circuit passed in conformity with the preceding Section, to have the

same force as if passed by the court collectively.

that Section, and the general Regulations, have the same force and effect as if they had been passed by the court of circuit collectively.

By what rules the judges of the courts of circuit to be guided in cases of a difference of opinion.

XIV. In all cases of a difference of opinion between two or more judges of a court of circuit, they shall be guided by the principles of the rules prescribed for the provincial courts of appeal in Section IX of this Regulation.

In what cases judge of circuit holding a jail delivery may order the dismission of a native officer.

XV. It having been doubted whether a judge of circuit holding a zillah or city jail delivery can upon misconduct appearing before him, in the course of a criminal trial or otherwise, order the dismissal of a police officer, or other native officer, it is hereby declared that a judge of circuit, holding a zillah or city jail delivery, may order the dismissal of any native officer convicted before him of a criminal offence, which under any express provision in the Regulations is punishable by dismission from office; and on the same being notified to the magistrate, or other European public officer, under whom the native officer so dismissed may have been employed, it shall be the duty of the magistrate, or other European officer, to take measures for the appointment of a successor to the vacant office, in conformity with the Regulations. In all other cases, if the removal of a native officer appear necessary to a judge of circuit holding a jail delivery, he shall communicate the same, with the grounds of his opinion, to the magistrate, or other European public officer under whom such native officer may be employed; and the magistrate, or other European officer, receiving such communication, shall either conform thereto, and proceed to fill the vacant office in the mode prescribed by the Regulations; or shall report the case to the proper court, board, or other authority, vested with the final power of removing the native officer referred to, under the provisions of Regulation VIII, 1809, or any other Regulation in force.

Judge of circuit how to proceed in all other cases, when the removal of a native officer may appear to him necessary.

And what to be done by the magistrate or other European public officer, on receiving the prescribed communication from a judge of circuit.

Provisions in Sections II and IV of this Regulation declared applicable to single judges holding sittings of the court of Sudder Dewanny Adawlut.

XVI. The modification of Sections II, Regulation XIII, 1810, contained in Sections VI and VIII of this Regulation, are hereby extended, and declared applicable to the provisions of Section VI, Regulation XIII, 1810, with respect to a single judge of the court of Sudder Dewanny Adawlut holding the sittings of that court.

Rule for separate sittings before single judges of the Nizamut Adawlut, declared to authorize sittings on miscellaneous business, as well as upon criminal trials.

XVII. The rule for separate sittings before single judges of the court of Nizamut Adawlut contained in Section VI, Regulation VIII, 1808, though principally intended for the speedy determination of criminal trials, under reference to that court, is hereby declared to authorize a sitting of the court before a single judge (when two or more judges may not be able to attend) upon miscellaneous references to or from the courts of circuit and magistrates upon petitions receivable by the Court of Nizamut Adawlut; and generally upon all matters appertaining to the cognizance of that court under the Regulations in force. But in every case wherein a single judge of the Nizamut Adawlut may be of opinion that the decision or order of a court of circuit, magistrate, or other public officer, should be reversed, or altered, he it not to pass a final order, without the concurrence of one or more of the other judges of the court. Nor is he in any case, by his single authority, to reverse or alter a former decision, or order, of one or more of the judges of the court.

A single judge not authorized to pass a final order, altering or reversing the decision or order of certain other authorities.

Provision in case of a difference of opinion when four judges of the Sudder Dewanny Adawlut, or of the Nizamut Adawlut, may be present at a sitting, and the number of voices may be equal.

XVIII. It is already provided by the Regulations, with respect to the court of Sudder Dewanny and Nizamut Adawlut, that in the event of any difference of opinion when three judges may be present, the voices of the majority shall determine the question; or if only two judges be present, that the decision upon the question be postponed for the attendance of a third judge. It is hereby further provided, that if four judges of the court of Sudder Dewanny Adawlut, or the court of Nizamut Adawlut, be present at a sitting of either court, when a difference of opinion may take place, and the number of voices be equal, the chief judge, concurring with any one of the other judges, shall possess a casting vote, and the question shall be determined accordingly.

A. D. 1814. REGULATION XXVI.

A REGULATION for modifying some of the Rules at present in force, regarding the admission and trial of special and summary Appeals from Decisions passed in regular Suits; for limiting and altering some of the existing Provisions respecting the Pleadings and Processes, and the Mode of executing Decrees in regular Suits, and Appeals; and for explaining and making certain Additions to the provisions of Regulation I, 1814:—Passed by the Vice President in Council, on the 29th of November 1814; corresponding with the 15th Aughun 1221 Bengal era; the 2d Aughun 1222 Fussily; the 16th Aughun 1222 Willaity: the 2d Aughun 1871 Sumbut; and the 16th Zeheija 1229 Higeree.

Preamble.

WHEREAS it has become requisite, with a view to the more speedy administration of civil justice, that the rules at present in force, regarding the admission and trial of special and summary Appeals from decisions passed in regular civil suits, should be modified; and that some of the provisions in force regarding the pleadings and processes, and the mode of executing decrees in regular civil suits and appeals should be altered: And whereas it is expedient to remove certain doubts which have arisen on the construction of some of the rules now in force regarding the mode of raising a revenue by means of stamps, and to make certain additions to the provisions of Regulation I, 1814; The following rules have been enacted, to be in force from the 1st of February 1815, throughout the territories immediately subject to the Presidency of Fort William.

Provisions in modification of the rules in force regarding the mode of admitting special appeals.

II. *First.* In modification of the provisions contained in Section XXIV, Regulation XLIX, 1803, Section X, Regulation II, 1805, and Clauses Second and Third, Section IX, Regulation VIII, 1805, it is hereby enacted, that from and after the 1st of February 1815, no special or second appeal shall be admitted by a zillah or city judge, by a provincial court, or by the Sudder Dewanny Adawlut, unless upon the face of the decree, or of documents exhibited with it (assuming all the facts of the case as stated in the decree), the judgment shall appear to be inconsistent with some established judicial precedent, or with some Regulation in force, or with the Hindoo or Mahomedan law, in cases which are required to be decided by those laws, or with any other law or usage which may be applicable to the case, or unless the judgment shall involve some point of general interest or importance, not before decided by the superior courts.

Party to present a petition to the court competent to admit such special appeal.

Second. When a party upon any of the grounds specified in the preceding clause, may be dissatisfied with a judgment passed on a regular appeal, by a competent civil court, and may in consequence be desirous of obtaining a further investigation of the suit by a second or special appeal, he shall, within the limited periods prescribed for the admission of regular appeals, present a petition to the Court, which under the provisions of Regulations XXIV and XXV, 1814, may be competent to admit a special appeal in the case.

Such petition to be written on stampt paper; of what description, and what it is to contain.

Third. Such petition shall be written upon the stampt paper prescribed in Section XIII, Regulation I, 1814, with reference to the value or amount of the suit, calculated according to the provisions of Section XIV of that Regulation, or any provisions which may be hereafter enacted for the valuation of property sued for in the civil courts; the petition shall state distinctly the specific ground or grounds under Clause First of this Section, on which the special appeal is solicited, and shall be presented either by the party in person, or by an authorized pleader of the court. In the latter case, the petition shall be signed by the pleader, who shall certify on the back of the petition, that he has duly considered the grounds stated for admitting a special appeal under Clause First of this Section, and believes them to be well founded and sufficient.

Mode of proceeding when a special appeal may be admitted.

Fourth. If on a consideration of the circumstances of the case, the court shall see reason for admitting a special appeal on any of the grounds stated in the First Clause of this Section, the appellant shall be required to furnish the prescribed security, and to deposit the amount of the fees payable to his pleader under the rules in force, within a reasonable period to be fixed by the court; when the required security and deposit shall have been duly furnished, the court will admit the special appeal, and proceed to investigate the suit under the same rules as are prescribed for the trial and determination of regular appeals.

Fifth. If

Courts authorized to refund a portion of the ſtamp duty in certain caſes when the petition for a ſpecial appeal may be rejected.

Fifth. If the court shall not see sufficient reason for admiting the special appeal, and shall in consequence reject the petition, the appellant shall not be entitled to receive back the amount or value of the stamp on which the petition may have been written under Clause Third; the Courts are however vested with a discretionary authority, in any particular instance of hardship, to refund any portion not exceeding three fourths of the amount of such stamp duty, to the party who may have paid the same, or to his legal representative.

All orders paſſed by competent courts regarding ſpecial appeals to be final.

Sixth. It is hereby declared, that the order of a zillah or city judge, or of a provincial court, refusing to admit a special or second appeal under the powers vested in them by this Regulation, as well as the judgments which they may respectively pass on special appeals admitted by them, shall in all cases be final, and shall not be liable to any further revision by a superior court.

Pleaders entitled to certain fees on the rejection of ſpecial appeals.

Seventh. When an application for a special appeal presented through an authorized pleader to a zillah or city court, a provincial court, or to the Sudder Dewanny Adawlut, may be rejected by the court, such pleader shall be entitled to receive from the party employing him any remuneration for his trouble, which the court may think proper to adjudge; provided that such remuneration shall in no case exceed one fourth of the amount of the fee, to which the pleader would have been entitled, had the special appeal been admitted and determined by the Court; nothing in this Section shall be understood to affect any special appeals, which may have been already admitted, and which may be admitted, previously to the 1st of February 1815, by the zillah or city judges, the provincial courts, or the Sudder Dewanny Adawlut.

ProviſionsReſcinded.

III. *First.* Sections VIII and IX, Regulation II, 1801, Section XII, Regulation IV, 1803, Section XXVI, Regulation XLIX, 1803, and Section II, Regulation II, 1805, are hereby Rescinded; and the following provisions are enacted in their stead.

Caſes in which the Sudder Dewanny Adawlut may admit a ſummary appeal.

Second. It shall be competent to the Sudder Dewanny Adawlut to receive a summary appeal from the orders or decrees of the provincial courts in all cases in which the latter may have refused to admit an original suit or appeal regularly cognizable by them; or having admitted such suit, or appeal, may have dismissed it on the ground of delay, informality, or other default, without an investigation of the merits of the case.

Caſes in which the provincial courts may admit a ſummary appeal.

Third. In like manner it shall be competent to a provincial court to receive a summary appeal from the orders or decrees of the zillah or city courts, in cases in which the latter may have refused to admit an original suit or appeal regularly cognizable by them; or having admitted such suit or appeal, may have dismissed it, without an investigation of the merits, on the ground of delay, informality, or other default.

Caſes in which the zillah or city judges may admit a ſummary appeal.

Fourth. On the same principle it shall be competent to the zillah or city judges to receive a summary appeal from the orders or decrees of a register, or sudder ameen, in cases in which the register or sudder ameen may have dismissed, on the ground of some default, and without an investigation of the merits of the case, any original suit or appeal regularly referred to them.

Limitation of time for the admiſſion of ſummary appeals.

Fifth. In all the preceding cases, the summary appeal shall be preferred within the same limited period as is prescribed for the admission of regular appeals, and subject to the provisions contained in the following clauses.

The petition for a ſummary appeal to be written on what ſtampt paper

Sixth. Whenever a party may be desirous of preferring a summary appeal in the cases above mentioned, he shall appear either in person, or by a vakeel duly authorized, before the court, which, under the preceding rules, may be competent to receive such appeal; and shall present a petition, written on the stampt paper prescribed by Section XVIII, Regulation I, 1814, and accompanied by an attested copy of the order or decree passed in the case.

Party not liable to pay the inſtitution fee nor to furniſh the uſual depoſit or ſecurity.
Exception.

Seventh. The party presenting such petition, shall not be liable to the payment of the stamp duty substituted for the institution fee by Section XIII, Regulation I, 1814; nor shall he be required to furnish the deposit for the fee of his vakeel, or any security, except such as may be eventually necessary under the Regulations in force, for staying the execution of the decree from which the appeal may be preferred.

Mode of proceeding in ſummary appeals.

Eighth. It shall not be requisite to give any notice to the respondent, or to require his attendance on such summary appeal being preferred, unless in any particular instance the court may deem it proper to adopt that measure; nor shall any pleadings or proceedings be holden on such summary appeal, excepting such as may

suffice to determine whether the suit was or was not rejected or dismissed by the lower court on sufficient grounds, and in conformity with the Regulations.

Ninth. If upon such summary proceedings, it shall appear to the court, that the suit was rejected in the first instance, or after being admitted, was dismissed without an investigation of the merits, upon insufficient grounds; or in opposition to the Regulations; it shall be competent to the Sudder Dewanny Adawlut, to the provincial courts, and to the zillah or city judges respectively, to direct the lower court or officer, from whose order or decree the petition of appeal may have been presented, to receive the original suit or appeal, or to revive it, if it shall have been received and dismissed, and to try and determine such cause on its merits, according to the Regulations.

In what cases the lower courts may be directed to receive or to revive the suit.

Tenth. If on the contrary such summary appeal shall be found to be groundless and litigious, the Sudder Dewanny Adawlut, the provincial courts, and the zillah or city judges, are respectively authorized and required to reject the petition for a summary appeal, and to impose such fine on the litigious appellant, as may appear to be in each instance proportionable to the condition of the party, and to the circumstances of the case; provided that such fine shall in no case exceed the amount of the stamp duty, which would have been payable by the appellant on the institution of such case, as a regular suit or appeal. All orders imposing fines, or rejecting petitions of summary appeal, which may be passed under the preceding clause by the Sudder Dewanny Adawlut, the provincial courts, or by the zillah or city judges, shall be final and conclusive.

In what cases the courts may reject the summary appeal and fine the appellant.

The orders of the courts in such cases to be final.

Eleventh. When a pleader may be employed in such summary appeals, the court is authorised to award to him such fee, as may be considered to be a sufficient compensation for his labour, provided that it shall in no case exceed one fourth of the fee to which such vakeel would have been entitled if the suit had been instituted either as an original suit or as a regular appeal.

Provision for pleaders fees in such cases.

IV. *First.* Sections II and III, Regulation II, 1798, Section XXII, Regulation II, 1803, (extended to the conquered provinces and to Bundlecund by Clause Third, Section IX, Regulation VIII, 1805.) Clause Second, Section XXX, Regulation IV, 1803, Section XXXVII, Regulation V, 1803, and Regulation III, 1813, are hereby Rescinded, and the following Rules are substituted in their stead.

Provisions Rescinded.

Second. Any persons considering themselves aggrieved by a decree passed in a regular civil suit, or appeal by a zillah, city or provincial court, from which decree no further appeal may have been admitted by a superior court, and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition for this purpose to the court in which the decree in question may have been passed; such petition shall be written on stampt paper of the value prescribed in Section XVIII, Regulation I, 1814, and shall be presented within the period of three calendar months from the delivery or tender of the decree, which period shall be calculated according to the provisions of Clause Eleventh of Section VIII of this Regulation. The courts are nevertheless authorized to admit applications for a review after the period above mentioned, provided that the parties preferring the same shall be able to shew just and reasonable cause to the satisfaction of the court for not having preferred such application within the limited period; in such case, however, the courts are enjoined to proceed with caution, and to state at large upon the proceedings, their reasons for admitting such applications after the limited period. If the courts shall be of opinion, that there are not any sufficient grounds for a review, they shall reject the petition, and their order to that effect shall be final; but if on the contrary, they shall be of opinion that the review desired is necessary to correct an evident error, or omission, or is otherwise requisite for the ends of justice, they shall report the same to the Sudder Dewanny Adawlut, transmitting at the same time a statement of the grounds of their opinion, with a copy of the petition presented to them, and a copy of the decree passed in the case.

Provisions regarding the mode of applying for permission to review judgments from which no appeal shall have been preferred.

Third. The court of Sudder Dewanny Adawlut, in cases referred to them under the preceding clause, as well as in all cases in which a petition may be presented to them for a revision of their own judgments, which may not have been appealed to the King in Council, (or though appealed, the proceedings in which may not have been transmitted to the King in Council,) are authorised to grant the review

Provision for empowering the Sudder Dewanny Adawlut to grant a review.

desired, if upon a consideration of the reasons stated, the circumstances of the case shall appear in justice to require it. The Sudder Dewanny Adawlut shall record on their proceedings the grounds upon which a review may be granted by them in each instance, and shall issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

The orders rejecting applications for a review not to bar the right of a party to prefer a regular appeal.

Fourth. If a party or vakeel or other person shall hereafter file in a zillah or city court, in the provincial court, or in the Sudder Dewanny Adawlut, any plaint or pleading required to be written on stampt paper, which may not have been prepared in conformity with the foregoing provisions of this Section, the court is authorised to impose on such party, vakeel or other person, any fine which they may deem proper; provided that such fine shall in no instance exceed three times the amount or value of the additional stampt paper, which would have been required had the plaint or pleading been drawn up in conformity with the foregoing provisions.

Fifth. If the subject matter of any miscellaneous petition or application, or of other papers specified in Section XVIII, Regulation I, 1814, cannot, under the Rule contained in Clause Second of this Section, be conveniently comprized in a single sheet or roll of the prescribed stampt paper; any additional sheets or rolls, which may be required for that purpose, shall be of the value and description specified in the said Section of the Regulation in question; and if any such petition or paper, which may not have been prepared in conformity with the foregoing rule, and with the rules contained in Clause Second of this Section, shall be hereafter presented to any of the courts or officers specified in Section XVIII, Regulation I, 1814, such court or officer is hereby authorised to impose a fine on the party or person presenting, under the same limitations as are prescribed in the preceding Clause.

Provisions to prevent superfluous pleadings, and evasions of the stamp duty.

V. *First.* In order to prevent the unnecessary occupation of the time of the public officers by the introduction of superfluous matter into the pleadings and petitions of parties, and to guard against the evasion of the Rules prescribed by Regulation I, 1814, for raising a revenue by means of stamp duties, the following Provisions are hereby enacted.

Pleadings and other documents on stampt paper how to be written.

Second. All pleadings, petitions, and applications, all deeds, documents and other papers, whether originals or copies, which are required by the Regulations to be written on stampt paper, are to be written in a fair legible manner, and as they have been hitherto usually prepared, as well with regard to the size of the writing, the space between the words and the number of lines in each page, as to all other matters regarding their engrossment.

Rule to be adopted when the whole of the subject matter of a plaint or other pleading cannot be contained in a single sheet of stampt paper.

Third. If the subject matter of any plaint or petition of appeal cannot, under the Rule contained in the preceding clause, be conveniently comprised in a single sheet or roll of the stampt paper prescribed for such plaint or petition of appeal, any additional sheets or rolls which may be required for that purpose, shall be of the description of stampt paper specified in Section XVII, Regulation I, 1814; in like manner, if the subject matter of any answer, reply, rejoinder, or other pleading, cannot be comprised in a single sheet or roll of the stampt paper prescribed for such pleading, any additional sheets or rolls which may be required for that purpose, shall be of the description of stampt paper specified in Section XVII, Regulation I, 1814.

Fine to be imposed on a breach of the preceding rules.

Fourth. If a party or vakeel or other person shall hereafter file in a zillah or city court, in the provincial court, or in the Sudder Dewanny Adawlut, any plaint or pleading required to be written on stampt paper, which may not have been prepared in conformity with the foregoing provisions of this Section, the court is authorised to impose on such party, vakeel or other person, any fine which they may deem proper; provided that such fine shall in no instance exceed three times the amount or value of the additional stampt paper, which would have been required had the plaint or pleading been drawn up in conformity with the foregoing provisions.

Similar provisions with reference to miscellaneous petitions or applications.

Fifth. If the subject matter of any miscellaneous petition or application, or of other papers specified in Section XVIII, Regulation I, 1814, cannot, under the Rule contained in Clause Second of this Section, be conveniently comprized in a single sheet or roll of the prescribed stampt paper; any additional sheets or rolls, which may be required for that purpose, shall be of the value and description specified in the said Section of the Regulation in question; and if any such petition or paper, which may not have been prepared in conformity with the foregoing rule, and with the rules contained in Clause Second of this Section, shall be hereafter presented to any of the courts or officers specified in Section XVIII, Regulation I, 1814, such court or officer is hereby authorised to impose a fine on the party or person presenting, under the same limitations as are prescribed in the preceding Clause.

Modification of certain provisions in force.

VI. *First.* The Rules contained in Sections V and VI, Regulation IV, 1793, and in Sections V and VI, Regulation III, 1803, are hereby declared subject to the following modification.

Registers not required to file a rejoinder when the defendant may refuse or neglect to do so.

Second. Whenever a defendant in an original civil suit shall refuse, or neglect to file a rejoinder within the period prescribed for that purpose, it shall not be necessary for the register (as hitherto required) to enter a rejoinder for him; but the court before whom the trial may be depending, after recording such refusal or neglect, shall proceed in the trial of the suit, in the same manner as if a rejoinder containing a general denial of the claim had been regularly filed.

121. *Third.* From

Rules regarding the admiſſion of ſupplemental pleadings.

Third. From and after the 1st of February 1815, no supplemental complaint or other supplemental pleadings shall be admitted in any suit, unless the court, upon a perusal of the pleadings previously filed, and from a consideration of the circumstances alleged by the parties, shall deem it just and proper to admit such supplemental plaint, or other supplemental pleadings to be filed in the suit.

In what caſes the courts may authoriſe a plaintiff to file a duplicate of the plaint, for the purpoſe of correcting errors in the valuation of the cauſe of action.

VII. *First.* If during the trial of any regular suit it shall appear that the plaint has been written on stampt paper of a less value than that which ought to have been used under the provisions of Sections XIII and XIV, Regulation I, 1814, and the court shall be of opinion that the error or omission did not arise from any fraudulent motive, or from any design on the part of the plaintiff to evade the provisions of the Regulations, it shall be competent to the court, either to permit or to direct the plaintiff or appellant in the suit, to file a duplicate of the plaint on stampt paper of such a value as may be sufficient to complete the full amount of the stamp duty prescribed by the Sections above mentioned.

Proviſion for the repayment to a plaintiff of the ſtamp duty or inſtitution fee in certain caſes.

Second. In addition to the provisions of Section IV, Regulation XIII, 1808, it is hereby declared, that if on the trial of any summary appeal preferred under that Section, the provincial court shall be of opinion, that the original suit was not from its amount regularly cognizable in the zillah or city court, but that the irregularity in the institution of such suit did not arise from any fraudulent motive on the part of the plaintiff, it shall be competent to the provincial court to direct the zillah or city judge to refund to the plaintiff the amount of the fee or stamp duty paid by him, on instituting the suit in the zillah or city court, and the plaintiff shall be permitted to institute his suit de novo in the provincial court.

Modification of part of Section XII, Regulation II, 1805, and other proviſions in force.

VIII. *First.* Such parts of Section XII, Regulation II, 1805, or of other provisions in force, as require that the petition of appeal shall be uniformly accompanied by an authenticated copy of the decree appealed against, are hereby declared subject to the following modifications.

The petition of appeal from deciſions paſſed in the zillah and city courts may be preſented to the judge, without an authenticated copy of the decree.

Second. Any party who may be desirous of appealing from a judgment passed against him subsequently to the 1st of February 1815, by a sudder ameen, a register, or a judge of any zillah or city court, from which a regular appeal may be admissible under the Regulations, shall be at liberty to present his petition of appeal without an authenticated copy of the decree, to the judge of the zillah or city in which the decision may have been passed. Such petition of appeal shall not be required to contain the specific grounds, or reasons of the appeal, but may state shortly that the party being dissatisfied with the judgment, is desirous of appealing from it. The petition must be written on stampt paper according to the rates and provisions contained in Sections XIII and XIV, Regulation I, 1814, and must be accompanied by the prescribed security for the eventual costs in appeal.

The petition need not contain the detailed reaſons for the appeal.

But muſt be written on preſcribed ſtampt paper and accompanied by the requiſite ſecurity.

The judge may admit the appeal after referring to the original decree.

Third. The zillah or city judge, after referring to the decree in the original record of the suit, shall then admit the appeal, provided that the petition of appeal and the security required shall have been duly presented in the mode above prescribed, within the periods limited for the admission of such appeals under the existing Regulations.

The depoſit for pleaders fees to be paid into the court by which the appeal may be tried.

Fourth. The deposit for the pleader's fees prescribed by Section XXIII, Regulation XXVII, 1814, in lieu of the security formerly demanded for such fees, is not required to be furnished with the petition of appeal; but in cases in which a pleader shall be appointed to conduct the appeal, the deposit shall be delivered to the court by which the appeal is to be tried.

Appellants authorized to ſtate their reaſons of appeal either in the petition or in a ſeparate pleading.

Fifth. The specific objections to the judgment and detailed grounds and reasons for preferring the appeal may be stated at the option of the party in the original petition of appeal, or may be subsequently filed in the court trying the appeal as a separate pleading; in the latter case such pleading is to be written on the stampt paper, and according to the rates prescribed for other pleadings in Section XVII, Regulation I, 1814.

The proviſions in the preceding clauſes applicable to appeals from deciſions paſſed by the provincial courts, and by the Sudder Dewanny Adawlut.

Sixth. In like manner any parties who may be desirous of appealing from the judgments passed by the provincial courts in suits regularly appealable to the Sudder Dewanny Adawlut, or from the judgments of the Sudder Dewanny Adawlut in suits which may be regularly appealable to the King in Council, shall be at liberty to present their petition of appeal, without an authenticated copy of the decree to the court, by which the judgment may have been passed, in conformity with the provisions contained in the preceding clauses of this section.

Seventh. Under

In what cafes it ſhall be neceſſary to file an authenticated copy of the decree with the petition of appeal.

Seventh. Under the preceding rules, parties in suits decided in the first instance in a zillah or city court, a provincial court, or the Sudder Dewanny Adawlut, will be enabled to prefer an appeal from such decision without the necessity of filing an authenticated copy of the decree; but if any party in a suit which may be regularly appealable to a provincial court, or to the Sudder Dewanny Adawlut, may be desirous, under the option allowed by the Regulations of presenting his petition of appeal in the court by which the appeal is to be tried, rather than in the court by which the decision may have been passed in the first instance, it shall be requisite for such party to file with his petition of appeal an authenticated copy of the decree.

arties requiring a copy of a decree to furniſh the requiſite ſtampt paper.

Eighth. For the purpose of obtaining an authenticated copy of the decree in such cases, the party desiring it shall furnish to the court by whom the decision may have been passed, one, two or more sheets or rolls of the stampt paper prescribed in Section XIX, Regulation I, 1814, as may be necessary for transcribing the decree.

Courts how to proceed when ſuch ſtampt paper may be furniſhed.

Ninth. When such stampt paper shall be furnished, the serishtedar or such other principal officer, as may be authorized by the court to discharge that duty, shall endorse on it the date of its being furnished, the name of the party on whose account it may be presented, and the number of the suit to which it may be intended to be applicable, and shall grant to the party a corresponding receipt for the same on unstampt paper; the copy of the decree shall then be prepared and duly authenticated, and shall be delivered or tendered to the party by whom the stampt paper may have been furnished, or to his vakeel in open court, and the date of the delivery or tender of such copy shall be also endorsed on the copy.

Limitation of time for the admiſſion of appeals how to be calculated in ſuch caſes.

Tenth. The respective periods limited by the Regulations for the admission of appeals in such cases, shall be calculated from the date on which the decision may have been passed; excluding from the calculation of such periods, the interval which may have elapsed in each instance between the date on which the requisite stampt paper may have been furnished by the party to the court, and that on which the copy of the decree may have been tendered or delivered to the party in open court in the mode prescribed by the Regulations. The courts will in all cases be enabled to ascertain such interval by the endorsements on the copy of the decree required to be made under Clause Ninth of this section.

The proviſions of the three preceding clauſes applicable to copies of decrees or orders from which a party may deſire to prefer a ſpecial or a ſummary appeal.

Eleventh. The principles of the rules contained in Clauses Eighth, Ninth, and Tenth, of this Section, are to be considered applicable to all copies of decrees, from which a party may be desirous of preferring a special or a summary appeal; and to all copies of orders passed by the judges and registers of the zillah and city courts, by the provincial courts, and by the Sudder Dewanny Adawlut, which those courts may be required to furnish to parties under the provisions of any Regulation.

Modifications of rules regarding pleadings in appeals.

IX. *First.* Such parts of the Regulations in force as require that the pleadings in appealed suits be conducted and filed in the same manner and under the same rules as pleadings in original suits are hereby declared subject to the following modifications.

The reſpondent may file an answer to the reaſons of appeal, or not, at his option.

Second. In all regular civil suits which may be appealed subsequently to the 1st of February 1815, to a zillah or city court, to a provincial court, or to the Sudder Dewanny Adawlut; it shall be left to the option of the respondent either to file an answer to the petition and reasons of appeal, or not, as he may judge proper; provided however, that if no answer shall be filed by a respondent, it shall be competent to the court trying the appeal, in all cases in which it may be deemed expedient, to direct the respondent to file an answer to the petition of appeal, or to any particular points in it, which may appear to require an answer or explanation.

Proviſo.

No further pleadings beyond the anſwer to be admitted; with certain exceptions.

Third. No further pleadings beyond the answer of the respondent shall be admitted in any appealed suits, which may be instituted subsequently to the 1st February 1815, except the duplicate of the plaint provided for by Clause First, Section VII, of this Regulation, or such supplemental pleadings as may be authorized by the Court under the provisions of Clause Third, Section VI, of this Regulation.

Pleadings to be read before exhibits are filed or witneſſes ſummoned

X. *First.* In the trial of original regular suits, as well as in the trial of appeals in such suits, the prescribed pleadings shall be completed and read in open court, before any exhibits are filed, or witnesses summoned in support of the allegations of either

of

of the parties; unless special and sufficient reason be assigned for taking the immediate deposition of a witness without waiting until the pleadings are completed and read in open court. Exception.

Second. If from the pleadings in the case the points at issue cannot be clearly ascertained, or if from any other reason further explanations may be requisite, the courts shall on the day on which the suit may be first brought to a hearing, make such enquiries from the parties or their pleaders as may appear necessary, with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on their proceedings. Courts to require any neceſſary explanations of the caſe from the parties or their pleaders.

Third. The court shall then consider and record the point or points to be established respectively by the plaintiff or appellant, and by the defendant or respondent, and shall proceed to take the evidence which may be adduced by either party upon such points in the manner prescribed by the rules in force. The courts to record the points neceſſary to be eſtabliſhed by the parties.

Fourth. In like manner if proof shall be required on any other points in the course of the trial, such points shall be recorded on the proceedings, and the proper party shall be called upon for the requisite evidence, and no exhibit shall be filed, or witness summoned, unless expressly declared to be in proof, or refutation of some point, upon which the Court may have directed that evidence should be taken. And any additional points which may ſubſequently appear neceſſary. And no evidence to be admitted except with regard to the points ſo recorded.

XI. In modification of Section XI, Regulation XIII, 1808, it is hereby provided, that whenever a witness whose evidence may be required by the Sudder Dewanny Adawlut, or by a provincial court, may reside at such a distance as to render his attendance before such court inconvenient, or whenever from any cause it may be deemed improper to summon a witness to such court, the Sudder Dewanny Adawlut, or the provincial court, instead of merely instructing the zillah and city judge upon what points the witness is to be examined, shall prepare and transmit to the zillah or city judge distinct written interrogatories to be put to each witness; such interrogatories shall be prepared and signed by the parties or their vakeels under the direction of the court, and shall be countersigned by the judge of the court, who may order the examination. The zillah or city judge, to whom such interrogatories may be sent, shall in the first instance cause the depositions of the witnesses to be taken in answer to the interrogatories, and shall then allow the parties or their pleaders, in whose presence the witnesses may be examined under Section IX, Regulation XIII, 1808, to put any other questions, which may appear relevant to the points at issue in the case. Evidence of witneſſes which may be required in certain caſes by the provincial courts and the Sudder Dewanny Adawlut, to be taken by the zillah or city judges on written interrogatories.

XII. *First.* In order that the parties in a suit or their authorized pleaders may be fully prepared to file their exhibits, and to name their witnesses, as well as to furnish any explanations of the case, which may be required, at the time when the suit may first be brought to a hearing, the several courts are enjoined carefully to attend to those provisions in the Regulations which require that eight days previous notice be given to the parties of the day on which the court may propose to bring the suit to a hearing. Previous notice to be given by the courts of the day on which a ſuit to be brought to a hearing.

Second. For this purpose it shall be sufficient for the court to affix, in some conspicuous place in the court room, a notification, specifying the number of the suit, the names of the parties and of the vakeels respectively entertained in the suit, together with the date on which it may be intended that such suit be brought to a hearing before the court, and such notice shall be held and considered to be in force until the suit can be brought to a hearing either on the day fixed or any subsequent day. A notification of the day duly affixed in the cutcherry, ſhall be a ſufficient notice.

Third. If either of the parties in a suit, which may be brought to a hearing after due notice shall have been given in the manner above prescribed, shall not be prepared to file their exhibits, or the names of their witnesses, or to furnish any explanations of the case which may be required by the court, and shall not assign sufficient and satisfactory reason for the delay, the courts are authorized to impose upon such parties such fine as may appear just and proper: provided that the fine shall in no instance exceed one-fourth of the fee paid on the institution of the suit, or of the amount of the stamp duty substituted for such fee. If a similar neglect shall occur a second time after due notice shall have been given of the day fixed for the case being again brought forward, the courts are authorized either to impose a second fine under the limitation above prescribed, or to proceed as in other cases of default. Courts authorized to fine parties who may be unprepared to file exhibits or to name their witneſſes on the day notified for the hearing of the ſuit. Further penalty on a repetition of ſimilar neglect.

XIII. *First.* The following provisions are enacted in addition to the rules now in force regarding the security to be required from parties for the execution of decrees, Additional rules regarding ſecurity furniſhed in civil ſuits.

of the civil courts, or for staying the execution of judgments in the civil suits during an appeal in such suits.

Sureties prohibited from transferring their rights in any immovable property on which their security may have been accepted.

Second. All persons who may enter into security bonds for the purposes mentioned in the preceding clause, are prohibited from transferring, or from causing to be transferred, by sale, gift, mortgage, or otherwise, any land or other immovable property belonging to them, and specified in the Schedule of property on which their security may have been accepted, until the object of their security shall have been completely fulfilled.

Explaining the purport and intent of the foregoing prohibition.

Third. This prohibition however shall not be construed to affect the legality of any private transfer or mortgage of such property, in cases in which the amount of any demand on the surety, which may eventually arise under the terms of the security bond, shall be duly discharged by him; but it is hereby declared, that no private transfer or mortgage of such property which may be made by a surety in the interval between the execution of the security bond, and the final and complete enforcement of the judgment, shall be considered to bar the prior right of the court to hold the whole or any part of such property answerable in the first instance for the amount of any demand upon it, which may eventually arise under the terms of the security bond, and which may not be duly discharged by the surety.

Modifications of the rules in force regarding the payment of tulubanah.

XIV. *First.* Such part of the Regulations in force as authorize the payment o tulubanah (subsistence or diet money) to peons or other persons, who may not receive a fixed monthly salary from Government for serving the summonses or other processes of the civil and criminal courts, are hereby declared subject to the following modifications and additions.

A register of peons employed in serving the civil and criminal processes of the zillah and city courts, (who may not receive a monthly salary from government) to be prepared.

Second. The judges and magistrates of the several zillahs and cities shall call upon their respective nazirs for detailed lists of the peons now employed in the execution of civil and criminal processes, who do not receive a monthly salary from Government, and after ascertaining what number is requisite in addition to the chuprassies on the public establishments for the service of such processes, they shall select a sufficient number of the fittest persons to be so employed, and shall cause their names to be registered with the following particulars, viz. the names of their fathers, their age and places of abode, and a concise description of their persons.

Nazirs not to employ any peons but those who may be duly registered, or who may be officers on the public establishment.

Third. The nazirs are hereby strictly prohibited, under pain of immediate dismission, from employing any person not registered in the mode above prescribed, and not being an officer on the public establishment, in the service of any process civil or criminal, or in the execution of any order or official act whatever, without a special authority from the judge or magistrate or other public officer competent to give such directions.

Distinguishing badges to be furnished to the registered peons.

Fourth. The peons, who may be registered as above required, shall be furnished with an uniform belt, or such other badge of office at the discretion of the judge, as shall suffice to distinguish them from the chuprassies on the fixed establishments. The expense of such badge shall be defrayed out of the tulubanah of the peon receiving the same.

And a table of rates to be prepared, applicable to the several local divisions, according to which the tulubanah is to be paid.

The judges and magistrates of the several zillah and city courts are to frame a table for regulating the account of tulubanah demandable on the service of process civil and criminal, according to the rates prescribed by the Regulations or established by usage. The table shall contain a statement of the several police jurisdictions, or other more convenient local divisions, the computed distance of the centrical part of such local division, from the sudder station, and the number of days for which tulubanah is to be allowed on the serving of process within each local division, calculated on the computed distance of the centre of each local division from the sudder station.

The table of rates to be suspended in the cutcherry, and no higher rates to be taken or demanded.

Fifth. The table so framed shall be suspended for general information in the cucherries of the judge and magistrate and of the collector of the district, and no tulubanah shall be allowed in any instance beyond the rates, or for a greater number of days than may be prescribed in such table, without a special written order from the judge, or magistrate, the register, assistant, or other public officer competent to pass the same.

The amount of the tulubanah demandable and a specific receipt for it to be indorsed on the process, previously to its execution.

Sixth. The amount of tulubanah which may be demandable according to the table mentioned in the preceding Clause, shall be specified on the back of each summons or other process, and the amount shall be paid, by the person taking out the process, to the nazir previously to the execution of such process: a receipt shall be endorsed on the process in each instance by the nazir, specifying the amount, and the person from whom it was received.

Seventh. When

Seventh. When two or more processes may be served by one peon, the judge and magistrate, or other officer, who may order the same to be served, shall determine in what proportions the fixed rates of tulubanah shall be paid by the parties respectively, and shall sign an order to that effect on the face or back of the process.

Provisions where two or more processes may be served by one peon.

Eighth. When the process shall have been executed and returned according to the preceding Rules, the nazir shall pay to the peon, who may have served the same, three fourths of the amount of the tulubanah received by him on account of such process, and the nazir shall be entitled to appropriate the remaining one-fourth of the tulubanah to his own use.

The peon to receive three fourths and the nazir one fourth of the amount of the tulubanah, when the process shall have been executed.

Ninth. The judges and magistrates, the registers, and assistants, are required to take every possible precaution, and to give all practicable attention for the purpose of preventing illegal or undue exactions of diet or subsistence money under the name or pretence of tulubanah.

Every precaution to be adopted to prevent undue exactions on account of tulubanah.

XV. *First.* Such parts of the Regulations as are construed to require, that the decrees passed in civil suits shall be executed and enforced by the Courts without any application for that purpose from the parties, are hereby declared subject to the following modifications.

Modifications of existing rules regarding the execution of decrees.

Second. Decisions passed by moonsiffs in all suits cognizable by them, either previously or subsequenty to the 1st of February 1815, shall be executed in the manner prescribed by Section XLV, Regulation XXIII, 1814.

Under what rules the decrees of moonsiffs are to be enforced.

Third. Decrees which may have been passed by the zillah or city courts, the provincial courts, or the Sudder Dewanny Adawlut, on regular suits or appeals previously to the promulgation of this Regulation, shall be executed by those Courts according to the provisions of the Regulations heretofore in force, and in the same manner as they have hitherto been enforced.

Decrees passed previously to the promulgation of this Regulation to be executed under the rules heretofore in force.

Fourth. The zillah and city courts, the provincial courts, and the Sudder Dewanny Adawlut shall not be required to carry into execution any decree which may be passed in original suits or in appeals, subsequently to the 1st of February 1815, except in conformity with the following rules and provisions.

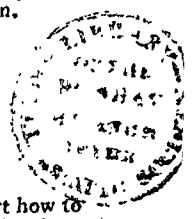
Courts not bound to execute decrees (except in conformity to the following rules) passed subsequently to the 1st of February 1815.

Fifth. Any party who may be desirous of obtaining the execution of a decree passed subsequently to the 1st of February 1815, shall appear either in person or by an authorized pleader, before the court by whom such decree may have been passed, or if the decree shall have been passed by a sudder ameen, before the zillah or city judge, and shall present a petition written on the stamp paper prescribed in Section XVIII, Regulation I, 1814, praying for the execution of the decree.

Parties desiring to have their decrees enforced to present a petition to the court.

Sixth. The petition shall state the number of the suit, the names of the parties, the date and substance of the decree, whether any appeal has been preferred or admitted from the decision, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; it shall further contain a statement of the specific amount due to the petitioner under the decree, whether on account of costs of suit or otherwise, and the name of the individual or individuals against whom the enforcement of the decree is solicited.

What the petition is to contain.



Seventh. The court, after causing the purport of the petition to be compared with the decree contained in the original record of the suit, shall proceed to execute the same in conformity with the provisions which are now in force or which may be hereafter enacted.

The court how to proceed in the execution of the decree.

Eighth. Provided however, that if the suit shall have been tried exparte, or that an interval of more than one year shall have elapsed between the date of the decree, and the application for its execution; or that the enforcement of the decree shall be solicited against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree; or if there shall appear reason to believe that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing adjudged, or by the payment of the sum decreed either in whole or in part, by Kistbundee or otherwise, it shall be competent to the court, instead of proceeding to the immediate enforcement of the decree, to issue a notice to the party against whom execution may be sued out, requiring him to shew cause, within a limited period to be fixed by the court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not shew sufficient cause to the satisfaction of the court why the decree should not be forthwith executed, the court will cause the judgment to be satisfied according to the rules in force. If the party shall attend in person or by vakeel, and shall offer any objection

In certain cases specified, the courts to make previous enquiries and to pass such orders as may appear just and proper, with regard to the execution of decrees.

jection to the enforcement of the decree, the court shall issue such order, after a due consideration of the circumstances of each case, as may appear just and proper.

Provisions for recovering costs due to government and vakeels' fees, and for executing decrees in pauper suits.

Ninth. The preceding rules shall not be construed to prevent the courts from issuing process of execution, for the purpose of recovering any fees or costs which may be due to Government, or any fees due to vakeels by a party in a suit, whether decided before or after the 1st of February 1815. In such cases, as well as in suits in which a party may have been allowed to plead in formâ pauperis, the courts shall proceed, without any application from the parties, to enforce execution of the judgment so far as relates to the recovery of the amount of fees or costs due to Government, or to pleaders in the suit.

What stampt paper to be used for copies of decrees furnished to parties.

XVI. *First.* In explanation of Clause Second, Section V, Regulation I, 1814, it is hereby enacted, that paper of European manufacture, bearing a stamp of the value specified in Section XIX, Regulation I, 1814, shall be used for all copies of decrees in regular or summary suits, which may be furnished to the parties by the judges, assistant judges, or registers of the zillah and city courts, by the provincial courts, and by the Sudder Dewanny Adawlut.

On what paper copies of decrees for record are to be written.

Second. Copies of decrees which may be prepared by those courts to remain with their own records, shall be written on unstampt paper of European manufacture, of the same size and description as that which may be stampt for the copies of decrees to be delivered to the parties.

Copies of papers made for records or official use not required to be written on stampt paper.

Third. Copies of proceedings and orders, accounts, statements or other papers made for records of court, or for transmission to other courts or public offices, may be written as heretofore on unstampt paper; except in cases in which it may be otherwise specifically provided for by the Regulations.

Copies which individuals may be authorized to make for their own use, need not be written on stampt paper, but shall not be authenticated by any official seal or signature.

Fourth. It is hereby declared, that the provisions of Regulation I, 1814, are not intended to preclude individuals from making for their private use and at their own expense, copies of judicial or revenue papers, with the permission of the court, collector, or other public officer having charge thereof, on any paper which they may prefer; but if such copies be not made on stampt paper, they shall not be authenticated by the seal or signature of any court, collector or other public officer, and shall not be received as evidence in any court of justice, or in any public office whatever.

Penalties for filing or furnishing copies of papers not written on the prescribed stampt paper.

XVII. *First.* Any ministerial officer, who may hereafter file in any court of justice, or in the office of any collecter or other public officer, without the written order of such officer, any petition, pleading or other document required to be written on stampt paper, which may not have been written on the prescribed stampt paper; or who shall furnish a copy of any paper or proceeding required to be written upon stampt paper, on any other paper than the required stampt paper, shall be liable to dismission from office, and to the payment of a fine to Government equal to ten times the amount of the stamp duty which would have been payable if the prescribed stampt paper had been used for such petition, pleading or other document.

Penalty how to be recovered.

Second. Such penalty shall be recoverable by a summary process in the courts of Dewanny Adawlut.

Rules regarding the stampt paper on which copies of certain documents are required to be written.

XVIII. All authenticated copies of the documents specified in Section XI, Regulation I, 1814, which may be prepared as legal vouchers by a cazee, mooftee, or other authorized person, shall be written on stampt paper according to the rates prescribed for the originals of such deeds; any copies not written on such paper will not be admissible in evidence under Section IX, Regulation I, 1814.

Security bonds and other deeds not relating to any specific sum of money, or any specific value, are to be written on stampt paper of the value of one rupee.

XIX. In explanation of Section XI, Regulation I, 1814, it is hereby declared, that security bonds for appearance (hazer zamineé) security bonds for the payment of eventual costs of suit, as well as all other security bonds not being for a specific amount, and all deeds of contract, partnership or agreement, and engagements of whatever nature, which may not relate to a specific sum of money or to a specific value, so as to make it practicable to apply to them the table of rates stated in Section XI, Regulation I, 1814, are required to be written on stampt paper of the value of one rupee, under the penalty declared in Section IX, Regulation I, 1814.

Explanation of certain provisions in Regulation I, 1814.

XX. *First.* It is hereby explained, that Sections XIII, XIV, XV, XVI, and XVII, Regulation I, 1814, are meant to apply only to original regular suits, and to appeals regular or special, from judgments passed on the merits of such suits, and not to summary suits, or to summary appeals, or to miscellaneous petitions or applications of any description.

Second. In

On what ſtampt paper pleadings in ſummary ſuits, and in miſcellaneous applications, are to be written.

Second. In all original summary suits and summary appeals authorized by the Regulations, and in all miscellaneous applications, the plaint, petition, or application, the answer, and other pleadings, shall be written on the stampt paper prescribed in Section XVIII, Regulation I, 1814.

The proviſions of Section XV, Regulation I, 1814, not applicable to exhibits in certain caſes.

Third. The provisions of Section XV, Regulation I, 1814, are not intended to apply to exhibits accompanying or referring to any miscellaneous petition or application, which under Section X, Regulation VI, 1797, and Section X, Regulation XLIII, 1803, were formerly liable to the payment of a fee on such exhibits being filed.

Certain applications from revenue officers may be written and filed in the courts on unſtampt paper.

XXI. All applications made by the collectors, or the assistant collectors, or by the Board of Revenue, or Board of Commissioners to the courts of judicature for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue, may be written upon common paper without a stamp. This rule however shall not be considered applicable to any regular suit in which the Board of Revenue, or the Board of Commissioners, a collector, or an assistant collector, may be a party either on their own account as individuals, or on the part of government.

Modifications of Sections XV and XVI, Regulation I, 1814, with regard to the mode of filing exhibits and ſummoning witneſſes.

XXII. In modification of Sections XV and XVI, Regulation I, 1814, it is hereby declared, that in lieu of filing a separate derkhaust or application for the admission of each exhibit, and the attendance of each witness, in shall be sufficient to file one or more applications or lists, including any number of exhibits desired to be filed, and the names of any number of witnesses desired to be summoned; provided that such applications or lists be written on one, two, or more sheets or rolls of stampt paper, the total value of which shall correspond in amount with that of the stampt paper, which would have been requisite had the application for each exhibit, or witness, been written on separate stampt paper, under the rules contained in Sections XV and XVI, Regulation I, 1814.

Explanation of Section XIV, Regulation I, 1814.

XXIII. The valuation of land paying revenue to government, as assumed in Clause First, Section XIV, Regulation I, 1814, being applicable only to entire estates, distinctly assessed, or to specific proportions of such estates, it is hereby explained that in suits for malgoozaree land, not constituting an entire estate distinctly assessed, or a specific proportion of such estate, the value of the land claimed is to be assumed and estimated according to Clause Third of Section XIV, Regulation I, 1814.

Vakaulutnamahs and certain other documents declared to be not liable to the ſtamp duty on exhibits.

XXIV. It is hereby explained that vakalutnamahs and mokhtarnamahs, arbitration bonds, security bonds for appearance, as well as security bonds for the eventual payment of costs, or for the performance of a decree, or for staying or enforcing the execution of a decree, which may be executed in any original suit or appeal, are not liable to the stamp duty on exhibits prescribed by Section XV, Regulation I, 1814.

Rules for refunding the ſtamp duty ſubſtituted for the inſtitution fee, in caſes authorized by the Regulations.

XXV. *First.* With reference to the rules in force under which the civil courts are authorized or directed to return the institution fee, or a portion of it, to a party in a suit, or to his legal representative, it is hereby declared that in suits instituted subsequently to the 1st of May 1814, to which the rules above alluded to may become applicable, the courts shall cause to be paid to the party, or to his legal representative, the whole or a portion of the amount of the stamp duty substituted for the institution fee, to which such party may be entitled.

And for the payment of fees to moonſiffs, ſudder ameens and regiſters.

Second. The principles of the preceding rule are declared to be equally applicable to fees payable under the existing Regulations to moonsiffs, sudder ameens and registers, on the decision of suits in which the stamp duty may have been substituted for the institution fee.

Inſtructions to be iſſued by the proper officers, regarding the mode of paying ſums due under the preceding clauſes, and of adjuſting the ſtamp accounts.

Third. It shall be the duty of the proper officers of government, to issue such instructions for the guidance of the judicial and revenue officers, as may appear requisite, with regard to the mode of discharging in the first instance such sums as may become payable under the two preceding clauses, and for the purpose of facilitating the regular adjustment of the stamp accounts.

Explanation that deeds of marriage ſettlement to be executed on ſtampt paper.

XXVI. Doubts having arisen, whether kabeennamahs, or deeds of marriage settlement, are to be written on stampt paper according to the table of rates contained in Section XI, Regulation I, 1814; it is hereby declared, that the provisions of that section were and are intended to be applicable to deeds of marriage settlement, in common with other deeds of contract for a specific amount.

A. D. 1814. REGULATION XXVII.

A REGULATION for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed regarding the office of Vakeel or Native Pleader in the Courts of Civil Judicature:—Passed by the Vice President in Council, on the 29th of November 1814; corresponding with the 15th Aughun 1221 Bengal era; the 2d Aughun 1222 Fussily; the 16th Aughun 1222 Willaity; the 2d Aughun 1871 Sumbut; and the 16th Zeheija 1229 Higeree.

Preamble.

WHEREAS it has been deemed expedient to transfer to the provincial courts the controul now exercised by the Sudder Dewanny Adawlut in the appointment and removal of vakeels or native pleaders in the zillah and city courts, and in the provincial courts: And whereas the speedy adjustment of disputes may be facilitated by empowering the authorized vakeels to receive certain fees for legal opinions furnished by them, and by vesting them with authority to act as arbitrators under the general Regulations: And whereas it will contribute to the public convenience to reduce into one Regulation, with amendments and modifications, the whole of the provisions, which will be applicable to the office of vakeel or native pleader; The following Rules have been passed by the Governor General in Council, to be in force from the 1st of February 1815, throughout the whole of the provinces immediately subject to the Presidency of Fort William.

Regulations Rescinded.

II. Regulation VII, 1793, such parts of Section IV, Regulation XVI, 1793; of Section II, Regulation XV, 1795; and of Section IV, Regulation XXI, 1803, as prohibit vakeels from being employed as arbitrators; Regulation XIII, 1795; Regulation VIII, 1796; Sections IV and V, Regulation VIII, 1797; Sections IX to XV, inclusive, of Regulation V, 1798; such part of Sections III and IV, Regulation III, 1802, as relates to the fees of vakeels; Regulation X, 1803; and Clause Third, Section VI, Regulation XIII, 1808, are hereby Rescinded.

The Sudder Dewanny Adawlut and the provincial courts empowered to appoint the vakeels of their respective courts.

Vakeels of the zillah and city courts to be nominated by the judges of those courts for the sanction of the provincial courts.

III. *First.* The Sudder Dewanny Adawlut and the several provincial Courts are empowered to appoint to the office of vakeel in their respective courts, such a number of persons being natives of India, and duly qualified for the situation, as may from time to time appear to them to be necessary.

Second. Whenever the appointment of a vakeel may be requisite in any of the zillah or city courts, the judge of such zillah or city shall nominate, for the approbation of the provincial court of the division, some person being a native of India, and duly qualified for the situation; and shall communicate to the provincial court such information as he may have obtained regarding the age, capacity, character, education, and past employment of the individual whom he may recommend; and no person shall be authorized to practice as a vakeel in any zillah or city courts without the previous sanction of the provincial court.

Pleaders to be either of the Hindoo or Mahomedan religion.

Preference to be given to candidates of a certain description.

Third. In the nomination and appointment of persons to the office of vakeel, the judges of the Sudder Dewanny Adawlut, of the several provincial courts, and of the zillah and city courts, are restricted to individuals of the Hindoo and Mahomedan persuasion, and are required to give the preference to candidates who may have been educated in any of the Mahomedan or Hindoo colleges established or supported by Government, provided that such candidates are in other respects duly qualified for the situation.

Pleaders to receive a sunnud from the courts to which they may be appointed.

The sunnud to be of a prescribed form.

IV. *First.* Persons who may hereafter be appointed to the office of vakeel in the zillah and city courts, the provincial courts, or the Sudder Dewanny Adawlut, shall receive a sunnud of appointment duly authenticated by the court, to which they may be respectively attached. This sunnud, which is not required to be written on stampt paper, shall be drawn up according to the Form No. 1, in the Appendix to this Regulation.

And to be cancelled on the death, removal, or resignation of the pleaders.

Second. Whenever a vakeel may be dismissed from his office, or may die, or may resign his situation, his sunnud of appointment shall be recalled and cancelled by the court to which such vakeel may have been attached.

Pleaders to take an Oath according to the prescribed form; or a solemn Declaration in lieu thereof;

V. *First.* Every vakeel, previously to being allowed to practise, shall take and subscribe before the court to which he may be appointed, an Oath, drawn up according to the Form No. 2. of the Appendix to this Regulation, or a solemn Declaration in lieu thereof, under the provisions now in force, or any other provisions which may be hereafter enacted.

Second. The

Second. The Mahomedan pleaders attached to the several courts of civil justice shall no longer be required to take the half-yearly retrospective oath heretofore prescribed by the Regulations.

but not the half-yearly retrospective oath formerly prescribed for Mahomedan pleaders.

VI. Pleaders, employed in the several courts of civil judicature, shall be liable to dismission from their office whenever they may be guilty of encouraging or promoting litigious suits; of wilfully delaying the suits of their clients for their own advantage; of refusing or omitting, without sufficient cause to be shewn to the court, to carry on the suits of their clients, after having accepted a vakalutnamah; of demanding or accepting from their clients any fee, or sum of money, goods, effects, or other valuable consideration beyond the fees, which they are or may be authorized to receive under the Regulations; or of fraudulent practices, neglect, or other misconduct, in the discharge of their professional duty; or of gross profligacy or misbehaviour in their private conduct.

Pleaders liable to be dismissed for certain acts of misconduct.

VII. All agreements, which may be entered into between pleaders and their constituents, for paying or receiving less than the established fees, are to be considered null and void; the whole of the vakeel fees, which may be payable by the party in such cases, shall be forfeited to Government; and the pleader who may be convicted of having been a party in such illicit agreement, shall be liable to immediate dismission from his office.

Agreements to receive less than the authorized fees declared to be illegal, and vakeels liable to dismission when parties to such agreements.

VIII. The vakeels are required to use due precautions to ascertain the real names and the identity of persons, who may propose to employ them as pleaders; and any authorized vakeel who shall hereafter receive and file a vakalutnamah from any person under a fictitious name, shall be liable to be dismissed from his office; provided however, that the judge upon full enquiry into the circumstances of the case, and the provincial court, on consideration of the judges report, shall deem him to be deserving of such punishment.

Pleaders accepting vakalutnamahs in fictitious names liable to be dismissed.

Vakeels required to examine and sign the pleadings before they are filed.

IX. *First.* The vakeels are hereby enjoined not to file any plaint, answer, or other pleading, without previously ascertaining that such pleading has been duly prepared in conformity with the Regulations; that it contains no unnecessay repetitions of former pleadings, no terms of personal abuse or reproach against the opposite party, his vakeels, witnesses, or other persons; and no groundless imputations on any court of justice or public officer; but that it contains such matter only as is apparently material and relevant to the suit. Every pleading filed by an authorized vakeel, shall be signed by him in testimony of his having considered and approved its contents.

Second In order that the expense, trouble, and inconvenience frequently experienced by filing irrelevant exhibits, and by summoning useless witnesses, may be avoided, the vakeels are hereby further required to examine the documents, which their constituents may propose to exhibit in proof of their claims, previously to their being filed in court; and to ascertain from their constituents, previously to summoning any witnesses, the specific points which such witnesses are expected to prove by their testimony.

Pleaders to examine exhibits previously to their being filed on the part of their clients; and not to summon witnesses without previously ascertaining to what points their testimony is required.

Third. The courts will carefully point out to the notice of the vakeels such parts of the pleadings as are evidently irregular, irrelevant, or otherwise objectionable, and shall record their censure of any vakeel, whose conduct in opposition to the preceding rules, may in any particular instance demand such animadversion. If, notwithstanding such recorded censure, a vakeel shall again be guilty of similar misconduct, he shall be liable to forfeit in each instance the amount of the fee to which he may be entitled in the suit, or to such other fine to Government, not exceeding twenty rupees, as the court may deem it proper to impose.

Pleaders to be censured and eventually dismissed for breach of the preceding rules.

X. *First.* The Sudder Dewanny Adawlut, and the several provincial courts, will at all times exercise their discretion in removing from his office any pleader of their respective courts, who may be guilty of any of the acts above mentioned, or who may be otherwise deemed unfit for the situation.

The Sudder Dewanny Adawlut and the provincial courts authorized to dismiss the pleaders of their respective courts.

Second. Whenever a zillah or city judge shall be of opinion that a vakeel, attached to his court, or to that of a register, or any of the sudder ameens, is unfit for the situation, in consequence of his having been guilty of any of the acts mentioned in the preceding Sections, or that he is otherwise disqualified for the office of pleader, the judge shall report the circumstances of the case, together with his own opinion upon it, to the provincial court, who will pass such orders on the case as may appear to be proper, or will call for any additional information, or direct any further enquiry that the nature and circumstances of each case may appear to demand.

Misconduct or disqualifications of pleaders attached to the zillah and city courts to be reported by the judges of those courts to the provincial courts: Who will pass such order thereon as may be proper.

XI. The

Pleaders attached to zillah and city courts may be ſuſpended from office without the previous ſanction of the provincial court.

XI. The zillah and city judges are empowered, without the previous ſanction of the provincial court, to ſuſpend from his office any pleader attached to their courts, who may be guilty of any groſs act of fraud or miſconduct, but in ſuch inſtances, it ſhall be the duty of the judge to report the circumſtances of the caſe with as little delay as poſſible, for the information and orders of the provincial court.

Such caſes to be immediately reported for the information and orders of the provincial court.

In what caſes the pleaders are liable to be proſecuted in the civil court by their clients.

XII. *Firſt.* The parties in a cauſe are authorized to proſecute their reſpective pleaders in the civil courts of judicature for any damages or injury which they may have ſuſtained from any breach of the Regulations on the part of their pleaders, or from any fraudulent conduct or malpractices committed by their pleaders regarding the ſuit.

Parties may withdraw the management of a depending ſuit from their pleaders, and may appoint new pleaders in their room.

Second. Any party in a ſuit, who may be diſſatisfied with the conduct of his pleader, ſhall be at liberty, at any ſtage of the trial previouſly to the deciſion, to withdraw the power delegated to his pleader, and to appoint another vakeel to plead the cauſe. In ſuch caſes, the party is to preſent a petition to the court, notifying that he has withdrawn the management of the ſuit from ſuch pleader, and is to file a new vakalutnamah in the name of the pleader whom he may appoint to carry on the ſuit; all acts however which may have been done by the firſt pleader on the part of his client, previouſly to his having been diſmiſſed, are to be held valid. On the concluſion of the ſuit, the court will exerciſe its diſcretion in awarding to the pleader firſt employed, any portion of the authorized fee to which he may appear juſtly entitled on a conſideration of the trouble which he may have undergone, and the other circumſtances of the caſe.

The court may award to a pleader ſo removed any portion of the fee which may be proper.

Meaſures to be adopted when a pleader may be unable to attend the court from indiſpoſition or other ſufficient cauſe.

XIII. If a pleader ſhould be unable to attend the court in conſequence of indiſpoſition or other ſufficient reaſon, he is to notify the ſame in writing to the court on unſtampt paper, and the hearing of any cauſe in which ſuch pleader may be employed, is to be poſtponed to a future day, unleſs the party or his authorized agent ſhall commit the management of the cauſe to any other pleader of the court, or unleſs the party himſelf ſhall be preſent and willing to plead the cauſe in perſon. If the management of the cauſe ſhall be entruſted to any other pleader of the court, inſtead of filing a new vakalutnamah, it ſhall be ſufficient for the party or his mokhtar duly authorized, to endorſe on the back of the original vakalutnamah, a written declaration, that he has appointed ſome other vakeel of the court to conduct the cauſe, either permanently or during the abſence of the pleader firſt appointed; on paſſing a deciſion in ſuch caſes, the court ſhall direct the amount of the authorized fee to be divided between the two pleaders in ſuch proportions as may furniſh an equitable remuneration for the trouble which they may have reſpectively undergone.

Penalties for pleaders abſenting themſelves from court without notifying the cauſe of their abſence.

XIV. *Firſt.* If a pleader ſhall fail to attend in court on any day fixed for the tranſaction of civil buſineſs, and ſhall omit to notify in writing to the court his inability to attend, in conſequence of indiſpoſition or other ſufficient cauſe, the court is authorized to impoſe on ſuch pleader a fine, for the firſt offence, not exceeding the ſum of fifty ſicca rupees; and for the ſecond offence, not exceeding one hundred ſicca rupees. If ſuch pleader ſhall be guilty of a ſimilar offence a third time, he ſhall be liable to diſmiſſion from his office.

Pleaders may be fined 100 rupees for diſreſpect to the court.

Second. If any pleader ſhall be guilty of diſreſpect to the court, in open court, the court is empowered to impoſe a fine upon him, not exceeding the ſum of one hundred rupees.

Fines impoſed on pleaders by the ſudder ameens to be reported to the zillah or city judge.

XV. *Firſt.* Whenever a ſudder ameen may find it neceſſary to impoſe any fine on a pleader attached to his court, he ſhall report the circumſtances of the caſe to the judge, who will either confirm and enforce, or modify or remit the fine as may appear to him reaſonable and proper.

The orders of zillah and city judges, and regiſters impoſing fines on pleaders, to be concluſive.

Proviſo.

Second. All orders impoſing fines on pleaders, which may be paſſed by the judges or regiſters of the zillah and city courts, in conformity with this Regulation ſhall be final; and the amount of the fines ſhall be levied either by a deduction from the fees, which may become due to the offender, or by the proceſs which is preſcribed for the execution of decrees. Provided however, that if a zillah or city judge ſhall in any particular inſtance ſee reaſon to believe that a fine has been impoſed by a regiſter on inſufficient grounds, or that the amount of ſuch fine is diſproportionate to the offence, it ſhall be competent to the zillah or city judge to remit or modify the fine at his diſcretion, and the order of the zillah or city judge, in ſuch caſes, ſhall be concluſive.

XVI. The

Vakeels not allowed to plead in other courts than in thoſe to which they may be attached. Exceptions.

XVI. The vakeels attached to one court, are not to be allowed to plead in any other court; but this rule is not intended to preclude the zillah and city judges from making such an allotment and distribution of the pleaders attached to their courts, as may from time to time appear convenient on a consideration of the civil business in their own courts, and in those of their own registers and of the sudder ameens. The judges of the Sudder Dewanny Adawlut and provincial courts, will also of course be at liberty to make any distribution of the vakeels attached to their respective courts, which may be found convenient for the dispatch of business in sittings which may be held before the separate judges of those courts.

Vakeels prohibited from being employed as agents or mokhtars in the foujdaree courts of the zillahs and cities.

XVII. The authorized pleaders of the zillah and city courts, are hereby prohibited, without obtaining the previous sanction of the judges of those courts, from officiating as agents or mokhtars in any prosecution, trial or proceeding, before the magistrates or their assistants. This prohibition, however, is not intended to apply to the cases of pleaders who may be employed on the part of Government in conducting the prosecution of persons charged with criminal offences, or in the execution of any other duties in the criminal department which such pleaders may be directed or authorized to perform on the part of Government under the Regulations which are now or may hereafter be in force.

Publication to be iſſued on the death, reſignation or removal of a pleader in a zillah or city court.

XVIII. *First.* Whenever a vakeel attached to a zillah or city court may die, or may be removed from his office, or may voluntarily resign his situation, the judge of such zillah or city shall notify the same in a publication, to be affixed in his own cutcherry, and in the cutcherries of the register, sudder ameens, and the collector of the district. The publication shall contain a statement of the several depending cases in which such vakeel may have been employed, and a requisition to the parties who have retained such vakeel to attend in person, or to substitute another vakeel in room of the pleader formerly appointed by them, within a reasonable period, to be fixed by the court, not being less than six weeks. In such instances, instead of filing a new vakalutnamah, it shall be sufficient for the party or his mookhtar, duly authorized, to endorse on the back of the original vakalutnamah a written declaration, that he has appointed some other vakeel of the court, in lieu of the pleader, who may have died or resigned his office, or have been removed from his situation.

What the publication is to contain.

Such publication to be conſidered a good and ſufficient notice.

Second. A publication issued in conformity with the preceding Rules shall be held and considered to be a good and sufficient notice, and if any party shall not attend or appoint another vakeel, within the period limited in the publication, he shall be required to shew cause for the omission, and if sufficient cause be not assigned, the court shall proceed as in case of default in conformity with the provisions in force.

Publication to be iſſued on the death, reſignation, or removal of a pleader in the provincial courts or in the Sudder Dewanny Adawlut.

Third. A similar notification shall be issued on the death, resignation or removal of any pleader attached to the provincial courts or to the Sudder Dewanny Adawlut. If the pleader shall have been attached to a provincial court, the publication shall be affixed in the cutcherry of such provincial court, and of the Sudder Dewanny Adawlut, and in the cutcherries of the several zillah and city courts included in the division, and the period to be allowed for parties to appear and to substitute another vakeel, shall not be less than two months; if the pleader shall have been attached to the Sudder Dewanny Adawlut, the publication shall be affixed in that court, and in such of the provincial courts, and of the zillah and city courts, in which it may appear necessary to publish the same with reference to the depending causes in which the vakeel may have been employed, and the period to be allowed to parties to appear and substitute another vakeel, shall not be less than three months.

Similar publication may be iſſued in other caſes.

Fourth. The courts are authorized to apply the principle of the preceding rules to cases, in which the decision of suits may be materially delayed by the protracted indisposition of a pleader, or by his continued inability to attend the court from any other cause which may be expected to be permanent, or of considerable duration.

Courts empowered to adjudge a reaſonable portion of the fee to a pleader who may have been removed from the management of a cauſe without any fault on his part.

Fifth. Whenever a pleader originally entertained by a party may have commenced the pleadings and prosecution, or defence of a suit, and from any cause, not originating in the misconduct of such pleader, another pleader shall be employed in his stead; it shall be competent to the court, in which the suit is decided or terminated, to adjudge to the pleader so employed at the commencement of the suit (or if he be dead, to his heirs or legal representatives) such part of the established fee as may appear to be an equitable remuneration for the trouble which he may have undergone.

Pleaders may be employed as arbitrators

XIX. The courts of civil judicature are hereby empowered to permit any of the authorized vakeels of their respective courts to be arbitrators in depending suits, subject to the several rules and provisions in force for referring suits to arbitration.

Pleaders may receive fees for legal opinions.

XX. *First.* The authorized vakeels of the Sudder Dewanny Adawlut, of the provincial courts, and of the zillah and city courts, are hereby empowered to receive fees for legal opinions under the provisions contained in the following clauses of this Section.

A written ſtatement of the caſe to be ſubmitted to the pleader.

Second. Any person, who may be desirous of obtaining the opinion of an authorized pleader regarding the legal validity and sufficiency of any claim, right or title which he may suppose himself to possess, and on the consequent expediency of prosecuting or defending either originally or in appeal such supposed claim, right or title in the courts of civil judicature, may submit a written statement of his claim under his seal, signature, or mark, to the pleader, whose opinion he may wish to obtain.

The pleader to give a written declaration of his opinion.

Third. The pleader, to whom such statement may be submitted, after an attentive consideration of the laws, regulations, usages, or precedents, which may be applicable to the case, and of the arguments and proofs which may be adduced in support of the claim, shall furnish to the party under his signature, a written declaration of his opinion, and of the grounds upon which that opinion may be formed.

Rates of fees to be allowed in ſuch caſes.

Fourth. If the pleader, who may have furnished such written opinion, shall be attached to the court of Sudder Dewanny Adawlut, he shall be entitled to a fee of twenty-four rupees. If he shall be attached to any of the provincial courts, he shall be entitled to a fee of sixteen rupees. If he shall be attached to a zillah or city court, he shall be entiled to a fee of eight rupees.

But pleaders who may have accepted a vakalutnamah in the caſe not authorized to receive ſuch fee.

Fifth. Provided however, that it shall not be lawful for any pleader, who may have received a vakalutnamah in any suit instituted in a court of civil judicature, to receive the fee above prescribed on account of any legal opinion which he may subsequently furnish to his constituent respecting any subject or question connected with such suit.

Pleaders liable to penalties for wilfully furniſhing a diſhoneſt opinion.

Sixth. Any pleader, who under the preceding rules, may knowingly furnish an opinion of a nature evidently calculated to promote the institution of unfounded or litigious suits, or to discourage the amicable adjustment of dubious claims, shall be liable to be dismissed from his office; and if after furnishing such dishonest opinion he shall be employed as a pleader in the suit, his fees shall be liable to be forfeited by order of the court, either to government or to the party whom he may have wilfully misled by such opinion.

Retaining fee abolished.

Rules for the execution of a vakalutnamah.

XXI. *First.* When a party in a cause may be desirous of retaining a vakeel for the prosecution or defence of any civil suit, he shall not be required to pay to such vakeel the retaining fee of four annas, heretofore prescribed, but he shall execute to him a vakalutnamah, constituting him pleader in the cause, and authorizing him to prosecute or defend the suit, and further binding himself to abide by and to confirm all acts which such pleader may do or undertake in his behalf in the cause, in the same manner as if such party had been personally present and consenting; the party is to attest the instrument with his seal or signature, or with his mark if he cannot write, in the presence of two credible witnesses, who are likewise to attest it in the same manner; and who are to attend the court and prove the vakalutnamah in all cases in which it may be judged requisite.

Vakalutnamahs to be written on ſtampt paper, but not liable to the exhibit fee.

Second. Such vakalutnamahs are to be written on the stampt paper prescribed in Section XVIII, Regulation I, 1814, but shall not be liable to the stamp duty on exhibits under Section XV of that Regulation.

Pleaders, afteraccepting a vakalutnamah, are prohibited from being employed in the ſame cauſe againſt the party who may have ſo retained them.

XXII. When a vakeel to whom a vakalutnamah may have been executed under the preceding Section, shall consent to undertake the prosecution or defence of the suit, he shall affix his signature to the back of the vakalutnamah, together with the date on which such signature may be affixed; and shall thenceforward be precluded from being employed in the same cause against the party who may have so retained him.

Security formerly required for the payment of vakeel's fees no longer neceſſary.

But the amount of the fees to be depoſited in court.

XXIII. *First.* Whenever a pleader may have been duly appointed on the part of any plaintiff or appellant in any regular or summary suit instituted in a zillah or city court, a provincial court, or in the Sudder Dewanny Adawlut, such plaintiff or appellant, instead of furnishing security as heretofore required, shall deposit in the court a sum equal to the amount of his pleader's fee, according to the rate prescribed in the following Section as applicable to regular suits, and in Section XXXII, as applicable to summary suits, and until such deposit be made, no vakeel shall be allowed to do any act in the suit except in the case of paupers, or in other cases specially provided for by the Regulations; a similar deposit shall likewise be required from defendants or respondents for the fees of the pleaders whom they may employ;

and until such deposit be made, the vakeels shall not be allowed to plead or to perform any act in the suit on the part of their constituents, except in the special cases above-mentioned.

Receipt to be granted for such deposit;

Second. A receipt on unstampt paper duly attested by the treasurer of the court, shall be granted in each instance to the party making the deposit; and a duplicate receipt similarly attested shall be filed with the proceedings in the suit: an account of such deposits shall also be regularly entered into a register book to be kept by the treasurer of the court for that purpose.

and a register book of such deposits to be kept by the treasurer of the court.

Receipts and register book to be drawn up according to prescribed forms.

Third. The receipts shall be drawn up according to the Form No. 3, and the register book shall be prepared and kept according to the Form No. 4, of the Appendix to this Regulation.

In what cases the preceding rules are not applicable.

XXIV. The preceding rules are not intended to be applicable to the fees of vakeels employed on the part of paupers, or in presenting to the courts miscellaneous petitions, or applications of the descriptions mentioned in Section XXXIV of this Regulation. In such cases no previous deposit or security shall be demanded on account of the vakeel's fee; but the amount of the fee, which may be ultimately awarded by the court under Section XXXV, shall be levied in the manner prescribed for the execution of decrees, in all instances in which the interposition of the authority of the court may be requisite for the purpose of realizing such fee.

Specification of the rates of fees payable to vakeels in regular suits.

XXV. *First.* In all regular suits which may be instituted, either originally or in appeal, subsequently to the 1st of February 1815, in any of the zillah or city courts, the provincial courts, or the Sudder Dewanny Adawlut, the vakeels employed by the respective parties are to be allowed, for pleading the causes of their clients, the rates of fees calculated as follows:

In suits for money, effects, or for other personal property, or for land or other immoveable property of any description, if the amount or value of the claim estimated according to the provisions of Section XIV, Regulation I, 1814, shall not exceed 5,000 sicca rupees, five per cent.

If the amount or value shall exceed 5,000 rupees, and shall not exceed 20,000 sicca rupees, on 5,000 as above, and on the remainder, two per cent.

If the amount or value shall exceed 20,000 rupees, and shall not exceed 50,000 rupees, on 20,000 as above, and on the remainder, one per cent.

If the amount or value shall exceed 50,000 sicca rupees, and shall not exceed 80,000 sicca rupees, on 50,000 as above, and on the remainder eight annas per cent.

If the amount or value shall exceed 80,000 rupees, the fee to the vakeel shall be one thousand rupees, and shall in no instance exceed that sum, however great may be the value or amount of the suit in which such vakeel may be employed.

Fractions of rupees to be rejected in the preceding calculations.

Second. In all the preceding calculations, where the amount or value may be in fractions of rupees, such fractions are to be rejected in calculating the fees thereupon.

Prescribed fees to be received without any deduction.

Third. The rules heretofore in force providing for a deduction of five per cent. from the amount of the fees payable to vakeels having been rescinded by Regulation I, 1814, it is hereby declared that the vakeels are to receive the full amount of their fees without any deduction whatsoever; provided nevertheless, that for every sum which may be paid to a vakeel by a civil court, on account of his fees, such vakeel shall give a receipt, written on the stampt paper prescribed in Section XI, Regulation I, 1814.

But a receipt to be given for them on stampt paper.

Pleader's fees how to be charged in the judgment.

XXVI. *First.* If the decree shall be given against the defendant or respondent, and the whole of the money or property, which may be demanded by the appellant or plaintiff shall be decreed to him, a sum equal to the whole of the fees of his pleader shall be adjudged to the plaintiff or appellant, in addition to the other costs which may be awarded to him; but if only a part of the money or property claimed is decreed to the plaintiff or appellant, a sum bearing the same proportion to the money or to the value of the thing decreed, as the fee did to the demand stated in the plaint or appeal, is to be decreed and added to the costs, which may be awarded to the plaintiff or appellant.

Continuation of the same subject.

Second. If the suit of the plaintiff or appellant shall be dismissed, whether upon an investigation of the merits or otherwise, the plaintiff or appellant is to be charged with the fees of his own pleader and with those of the defendant or respondent.

Third.

Proviſo.

Third. Provided however, that if in any instance the payment of the pleaders fees, according to the preceding rules, should not appear to be just and equitable, the courts of civil judicature may exercise their discretion in charging the fees of the pleaders to the parties respectively, in such proportions as may appear equitable and proper, under a consideration of all the circumstances of the case.

All legal expenſes and coſts to be included in the decree, and to be charged to the parties in ſuch mode as may appear equitable.

XXVII. The courts of civil judicature are to insert in their decrees all sums paid or payable by the parties under the Regulations, on account of fees or stamp duties, as well as on account of compensation for the expense of witnesses, and of subsistence money to peons employed in serving the processes of the courts, and of all other costs and expenses of the suit. Such costs and expenses shall be ultimately charged to the parties cast, or to the parties respectively, in such proportions as the court may deem equitable.

Diſcretion veſted in the courts to return a portion of the pleader's fee in certain caſes to the party who may have depoſited it.

XXVIII. When a suit in which one of the parties may have been admitted to plead as a pauper, may be decided with costs in favour of the adverse party, and such pauper cannot make good the full amount of the costs awarded against him, the courts are authorized to return to such adverse party any portion of the fee, deposited by him on account of his vakeel, which may be deemed expedient, and to pay the remaining portion of the fee to the vakeel entitled to receive it. In exercising this discretion, the courts will be careful, that the vakeel receive such a portion of the deposit as may in each instance appear to be a reasonable remuneration for the duty performed by him. The courts shall further endeavour to realize the remainder of the fee due to such vakeel, from any property which may subsequently be found to belong to the pauper.

Pleaders fees to be paid on the determination of the ſuit.

XXIX. Upon a decision being passed by the court, whether upon an investigation of the case or otherwise, the fees of the pleaders deposited in the court, shall be paid to the persons respectively entitled to receive them, and such payment shall not be stayed or postponed, in consequence of an appeal being preferred from the decision.

Rules where two or more pleaders may be employed by the ſame party.

XXX. *First.* The parties in a suit are respectively permitted to entertain two or more pleaders, who shall either divide the authorized fee between them, in an equal, or in any other proportion, which may have been previously agreed upon between them and their constituent; or shall each be entitled to receive the full established fee, as may be specified in the vakalutnamah; but all stipulations to this effect shall be distinctly stated in the vakalutnamah, which shall otherwise be construed to entitle the whole of the vakeels appointed by it to an equal division of the established fee and no more.

In ſuch caſes one vakalutnamah only is requiſite.

Second. It shall be sufficient in such cases for the party employing two or more vakeels in the same suit, to file a single vakalutnamah; but the party shall be required to deposit in court the whole amount of the fees payable to his pleaders, under the Rules contained in Section XXIII.

When two or more pleaders may be employed, the adverſe party ſhall in no caſe pay more than the preſcribed fee for one pleader.

Third. If the party shall agree to pay to each of the vakeels employed by him the full amount of the authorized fee, the opposite party in the suit shall in no case be required to make good more than the fee of one of those pleaders, or such part of that fee as may be adjudged against him by the court. The fees of the other pleader are to be considered as a separate expense, to be defrayed exclusively by the party entertaining him, and for which he is not to be reimbursed in any case whatever.

Rules for the payment of vakeels fees when the ſuit may be withdrawn or diſmiſſed without an inveſtigation of the merits of the caſe.

XXXI. *First.* If a suit shall be withdrawn or dismissed on default, without a determination upon the merits of the case, before all the requisite pleadings shall have been filed in court, the respective pleaders of the plaintiff and defendants, or of the appellant and respondent, shall each be entitled to only one-fourth of the established fee which they would have received, had the suit been brought to a regular decision by the court. If a suit shall be withdrawn or dimissed on default, after all the requsite pleadings shall have been filed in court, the respective pleaders are to be entitled to one-half the fees which they would have received, if judgment had been given in the cause. The fees in both of the above-mentioned cases are to be charged to the plaintiff or appellant withdrawing the suit, or suffering it to be dismissed on default, together with all the admitted costs incurred by the defendant or respondent.

Rules applicable to the fees of pleaders in ſuits adjuſted by razeenamah.

Second. The same Rule shall be considered applicable to cases adjusted by razeenamah, except that the fees of the pleaders and all other costs of the suits shall

shall be paid by the parties in such manner and proportions as may have been agreed upon and inserted in the razeenamah.

XXXII. The vakeels, who may be employed by the respective parties in summary suits and summary appeals for the recovery of arrears of rent or revenue, or for recovering the possession of land, and generally in all other suits and appeals in which a summary process is authorized by the Regulations, are to be allowed for pleading such summary suits, a fee equal to one fourth of the fee, which they would have received, had such suits been instituted as regular and not as summary suits.

Pleaders employed in summary suits to receive only one fourth of the fee prescribed in regular suits.

XXXIII. The fees, which may be payable under the foregoing Section, shall be deposited in court, and paid to the vakeels entitled to receive them, in the same manner as is prescribed in regular suits under the preceding Rules of this Regulation.

Such fees to be deposited in court, as in regular suits.

XXXIV. The pleaders in the several courts of civil justice are permitted to demand, and receive a fee of four annas for each miscellaneous petition or application which they may present, or motion which they may make, in writing to the court, provided that such petition, application or motion, shall not relate to any suit depending before the court, wherein the person, on whose behalf they may present such petition, or application, or make such motion, may be a party; but all petitions, applications, or motions presented or made to any of the courts on behalf of parties in a suit, on which the fees prescribed by Sections XXV and XXXII may have been paid, or may be payable, are to be considered as paid for, by the fee allowed to the pleaders in the above-mentioned Sections; and the pleaders are to make all such motions and do all such acts as may be requisite relative to any suit, in which they may have been entertained, not only during the trial of such suit, but after a decision shall have been passed, until the final judgment shall have been enforced.

Pleaders to receive a fee of four annas for presenting miscellaneous petitions and applications.

Unless such applications may be connected with a suit, in which the pleader is or may have been employed.

XXXV. The fee of four annas for miscellaneous petitions and motions, prescribed in the above Section, is not required to be deposited in the court, but is to be paid by the party himself to the vakeel, at such time as may be mutually agreed upon; but as cases may occur in which the above fee of four annas may not be a sufficient compensation to the pleader or pleaders, the several courts of civil justice are authorized to award such additional fee in any instance, as they may consider to be a reasonable compensation to the pleader for the duty performed by him, and to cause payment thereof to be made either by the party who may have employed such pleader or pleaders, or as costs of suit by the opposite party, as may be deemed just and proper; provided however, that the compensation which may be awarded in such cases shall in no instance exceed one-fourth of the established fee to which the pleader or pleaders would have been entitled on a regular suit in the case in question.

Mode in which such fee is to be paid.

Provisions for the payment of a higher fee, in cases on which it may appear to be equitable.

XXXVI. Pleaders are to give written receipts on unstampt paper, for all accounts, writings or documents which may be delivered to them by their clients in the course of any suit or process; if a pleader shall refuse to return such accounts, documents or writings, the court, upon a petition being presented to them for that purpose by the owners of the papers so withheld, shall cause them to be restored.

Pleaders to give written receipts for documents entrusted to them by their clients.

XXXVII. *First.* One or more of the authorized pleaders of the Sudder Dewanny Adawlut, of the provincial courts, and the zillah and city courts, shall be appointed for the purpose of conducting the prosecution or defence of any suits in those courts respectively, which may be directed to be carried on at the public expense by any Regulation, or by a special order from the Governor General in Council, or other authority competent to pass such order. Those pleaders shall be furnished with a sunnud or written authority to that purport in the English and Persian languages, under the signature of the Secretary to Government in the Judicial Department; and the sunnud shall be drawn up according to the Form No. 5. of the Appendix to this Regulation.

Rules for the appointment of pleaders on the part of Government.

Second. The several courts of justice shall report to the Secretary to Government in the Judicial Department, the death, resignation, or removal of any of the vakeels of Government attached to their respective courts; and shall at the same time nominate for the approbation of Government, a proper person, being one of the authorized vakeels of the court, to succeed to the vacant office. The courts shall in all instances select from amongst the established pleaders, such individual as may appear best qualified for the situation by his character and capacity.

The death or removal of a pleader on the part of Government, as well as the nomination of a successor, to be reported to the Secretary to Government in the Judicial Department.

Duties to be performed by pleaders on the part of Government.

Third. The pleaders for Government are to undertake all causes which they may be directed to plead by orders from Government, or which may be directed by any Regulation, to be carried on at the public expense, upon receiving an order for that purpose, either from Government, or from any officer or officers empowered by any Regulation to superintend, and to furnish instructions for conducting such suits. The order of Government, or of such officer or officers, is to be filed in court as the authority of the pleader to plead the cause, and is to form part of the record of the proceedings.

Such pleaders prohibited from advising parties opposed to Government.

Fourth. The pleaders of Government are prohibited from giving any advice to the parties opposed to Government in any civil suit or proceeding, and from being concerned directly or indirectly on their behalf, in suits which are directed to be carried on at the public expense; but in all other suits the pleaders of Government are to be at liberty to plead for either of the parties in the same manner as the other authorised pleaders of the court.

What fees they are entitled to receive.

Fifth. The pleaders for Government are to be paid the same fees in causes directed to be pleaded at the public expense, as pleaders employed in causes between individuals, and under the same rules and restrictions; provided, however, that the previous deposit prescribed in Section XXIII of this Regulation, shall not be required for the fees payable to the pleaders of Government, in the prosecution or defence of suits conducted at the public expense.

To be guided by the same rules as pleaders in other suits.

Sixth. In pleading suits directed to be carried on at the public expense, the pleaders for Government are to be subject to all the rules prescribed for their guidance when pleading on behalf of individuals, except in matters or cases in which it may be otherwise specially directed by any Regulation.

Another pleader may be associated with the pleader of Government in carrying on suits at the public expense.

Seventh. The Board of Revenue, the Board of Commissioners in the Upper Provinces, the Board of Trade, or any other authorities entrusted with the management of suits on the part of Government are empowered to associate with the established vakeel of Government, any other authorised pleader, in cases in which such aid may, from the importance of the suit, or any other reason, be judged necessary or advisable. Such additional pleader shall be furnished with a vakalutnamah, duly authenticated by the officer or authority employing him, and shall be entitled to receive the same fees, and under the same rules and restrictions, as if he were employed on the part of an individual, subject however to the provision contained in Clause Fifth of this Section.

Individuals not prohibited from pleading their own suits.

XXXVIII. No part of this Regulation is to be construed to prohibit or to prevent any individual from appearing and pleading his own cause in person, in any of the courts of civil judicature, without employing an authorised pleader.

This Regulation not applicable to pleaders in moonsiffs courts, and in pauper suits is to be construed with reference to the provisions of Sections VII, X, and XV, Regulation XXVIII, 1814.

XXXIX. *First.* The provisions of this Regulation are not intended to apply to vakeels, who may be employed in the courts of the moonsiffs, under Regulation XXIII, 1814.

Second. It is hereby further declared, that the provisions of this Regulation are to be construed with reference to Sections VII, X, and XV, of Regulation XXVIII, 1814, in suits where one or both of the parties may be permitted to plead in formâ pauperis, in conformity with the Rules contained in that Regulation.

The Regulations are to be exposed for the public inspection, and the pleaders are required to make extracts from them.

XL. That the pleaders in the several courts, as well as all other persons, may have it in their power to render themselves acquainted with the Regulations enacted by the British Government, there shall be kept, for public inspection, in the several courts of Judicature, printed copies of all such Regulations and of the translations in the native languages, bound up with the annual indexes. Until the Regulations, which may be passed in each year are so bound up, the separate copies of each Regulation, with the translations, which may be printed and circulated to the courts, are to be exposed as above directed. The Regulations are to be deposited upon a table expressly allotted for that purpose in some part of the court-room, and to lie for public inspection every day, Sunday excepted, during the ordinary hours of business, when the pleaders of the courts and all other persons are to be at liberty to refer to the Regulations, or to take copies or extracts from them in the court-room: on receipt of the translations of the Regulations in the country languages, the several courts of civil justice shall cause the same to be publicly read in their cutcherries, and shall require the native pleaders of their respective courts to take copies of any of those translations, which relate directly or indirectly to the administration of civil justice.

APPENDIX.

No. 1.

SUNNUD to be granted to Vakeels.

In conformity with the provisions of Regulation XXVII, 1814, you A. B. are hereby appointed to the office of pleader in the Sudder Dewanny Adawlut, or in the provincial court, for the division of or in the zillah or city court of You will not be liable to be removed from your situation so long as you may conduct yourself with propriety, and discharge your duty with zeal and integrity, under the Rules contained in the Regulations which now are or may hereafter be in force.

No. 2.

OATH to be administered to Vakeels.

I, *A. B.* solemnly Swear, That I will truly and faithfully execute the duties of Pleader of the Sudder Dewanny Adawlut, or the Provincial Court for the Division of or the Adawlut of the zillah or city of to the best of my knowledge and judgment.

No. 3.

RECEIPT to be granted for Deposits, made on account of Vakeels Fees.

I, *A. B.* Treasurer of the Court of do hereby acknowledge to have received this day of the sum of sicca rupees being a deposit made by on account of the Fees payable to his vakeel or vakeels in Suit, No. in which the value or amount claimed by the plaintiff or appellant, amounts to sicca rupees ( ).

No. 4.

REGISTER of DEPOSITS on account of Vakeels Fees.

Number of the Suit, and Date of its Institution.	Value or Amount claimed.	Amount of Deposit on account of the Plaintiff or Defendant, &c. &c.	By whom deposited, and for what Vakeel or Vakeels.	Date of the Deposit, and of the Receipt for it.	Date of the Payment to the Vakeels and of his Receipt.
No. 759. 25th July 1815.	700 Rs.	Rupees 35, on account of Ramsing appellant.	By Tarneechurn, Mokhtar of the appellant, for Meer-Syfoo vakeel.	10th of August 1815.	

No. 5.

SUNNUD to be granted to the Pleaders of Government in the English and Persian Languages.

In conformity with the provisions of Regulation XXVII, 1814, you A. B. are hereby appointed to the office of Pleader on the part of Government, in the Sudder Dewanny Adawlut, or in the Provincial Court for the Division of or in the zillah or city Court of You will not be liable to be removed from your office so long as you may conduct yourself with propriety, and discharge your duty with zeal, ability and integrity, under the Regulations which are now in force, or which may hereafter be enacted.

A. D. 1814. REGULATION XXVIII.

A REGULATION for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as Paupers:—Passed by the Vice President in Council, on the 29th of November 1814; corresponding with the 15th Aughun 1221 Bengal era; the 2d Aughun 1222 Fussily; the 16th Aughun 1222 Willaity; the 2d Aughun 1871 Sumbut; and the 16th Zeheija 1229 Higeree.

Preamble.

WHEREAS the Rules now in force for admitting persons of certain descriptions to sue in the courts of civil judicature as paupers, have tended to facilitate the institution of groundless and litigious suits, and have been productive of public inconvenience: And whereas it has been deemed expedient to reduce into one Regulation the whole of the provisions which will be applicable to persons suing in formâ pauperis; The following Rules have been enacted, to be in force from the 1st of February 1815, throughout the whole of the provinces immediately subject to the Presidency of Fort William.

Regulations Rescinded.

II. Regulation XLVI, 1793; Regulation XXIII, 1795; such parts of Sections VIII, IX, X, XI, and XII, of Regulation XXXVIII, 1795; and of Sections II, III, IV, V, and VI, of Regulation III, 1802; as are applicable to paupers; Section XXXV, Regulation X, 1803, Regulation XIV, 1803; Regulation III, 1810, are hereby Rescinded.

No pauper suits to be admitted in which the value of the thing claimed shall not exceed 64 Rs.

III. No person shall be hereafter entitled to institute or defend any suit in formâ pauperis in any civil court of judicature, unless the amount or value of the thing claimed shall exceed the sum of sixty-four rupees: Under this Rule the moonsiffs are hereby strictly prohibited from receiving or trying any suits which persons may wish to prefer to them in formâ pauperis.

Persons preferring claims of certain descriptions not to be admitted to sue as paupers.

IV. No person shall be hereafter permitted to institute a suit as a pauper in any civil court of judicature, if the claim shall be for damages on account of loss of cast, slander, abusive language, assaults or personal injuries of any description; or if the claim shall be for the possession or recovery of deeds or papers, or for fines, forfeitures or pecuniary penalties on account of any breach of the Regulations.

Parties desiring to sue as paupers are to present a petition on stampt paper in person.

V. *First.* Whenever a party may be desirous of instituting an original Suit as a pauper in any zillah or city court, or in a provincial court, he shall appear in person before such court, and shall present a petition written on the stampt paper prescribed for miscellaneous petitions in Section XVIII, Regulation I, 1814; Proviso.

Provided however, that if the party be a female of a rank and description which according to the prejudices of the country would render it improper to require her personal attendance in a court of justice, such petition may be presented by a mokhtar or agent duly authorised for that purpose.

What the petition is to contain.

Second. The petition shall contain a general statement of the nature and grounds of the demand, of the value of the thing claimed, according to the provisions of Section XIV, Regulation I, 1814, of the name of the person or persons intended to be sued, and a Schedule of the whole real or personal property belonging to the petitioner, with the estimated value of such property.

Petitioner's examination to be taken on oath, with certain exceptions.

Third. The court in which such petition may be presented, or an authorized officer of the court, shall then proceed to take the examination of the petitioner; or if the petitioner be a female of the description mentioned in Clause First of this Section, the examination of her agent, with regard to the points above noticed, and shall question him particularly with respect to any real or personal property, which the petitioner may have recently sold, mortgaged, transferred, or otherwise disposed of: Such examination shall be taken on oath, unless the court should in any particular instance judge it proper to admit a solemn declaration in lieu thereof, under the provisions now in force, or any other provisions which may be hereafter enacted.

Court to admonish the petitioner in taking his examination.

Fourth. In taking the examination of the petitioner or agent in such cases, it shall be the duty of the court to admonish him, that any wilful misrepresentation or falsehood, or the fraudulent concealment of any material fact regarding the property in the petitioner's possession, or the recent transfer of such property, will subject him to be tried for perjury, and on conviction, to the punishment which is now or may be hereafter prescribed for that crime by the Regulations. The petitioner or agent shall

shall subscribe his examination, which shall then be authenticated by the court in the usual manner.

Courts when to reject the prayer of the petition.

Fifth. If upon such examination it should appear to the court that the petitioner is possessed of property sufficient to defray the expenses of the suit, or that he has recently sold, mortgaged, or otherwise transferred any property, with the view of being admitted to sue as a pauper, the court will at once refuse to admit his suit in that form, and will refer him to the general Rules in force.

Courts how to proceed when they may be desirous of ascertaining the amount of the petitioner's property.

Sixth. If there shall appear any grounds for suspecting that the petitioner is possessed of property, or has recently transferred any property beyond that which he may have acknowledged or stated in his petition and examination, the court may issue a notice to the adverse party, signifying, that if such party shall appear within a reasonable period, to be fixed by the court, he shall be permitted to shew cause why the plaintiff should not be allowed to sue as a pauper; the court may also summon witnesses or institute a local inquiry in the neighbourhood of the petitioner's residence, with the view of ascertaining whether the petitioner has recently transferred, or is possessed of any property beyond that stated in his examination.

When the petitioner shall have been guilty of perjury, he shall be committed to the court of circuit.

Seventh. If from the result of such enquiry, or at any subsequent period, it should be satisfactorily established, that the petitioner, or the agent of a female petitioner, has been guilty of wilful perjury in his examination, the court will not only refuse the prayer of the petitioner (or nonsuit the plaintiff if the cause be depending), but will cause the person appearing to have been guilty of perjury, to be committed to the court of circuit to take his trial for such offence.

A party admitted to sue as a pauper shall find two sureties for his appearance.

VI. *First.* If none of the objections stated in Clauses Fifth and Seventh of the preceding Section, should exist, and the petitioner should not appear to be possessed of sufficient property to enable him to defray the probable expenses of the suit, the court is empowered to admit him to sue as a pauper, on his finding two good and sufficient sureties, both of whom shall be householders, for his appearance whenever his attendance may be required by the court.

Pauper suits not to be referred to the sudder ameens.

Second. The suits of pauper plaintiffs which may be hereafter instituted in the zillah or city courts, shall be tried by the judge or register, and shall not be referred to any of the sudder ameens.

The courts are authorized, in certain cases, to direct one of the pleaders to undertake the suit.

VII. *First.* When the required sureties shall have been furnished, if the pauper shall be unable to prevail on any of the vakeels of the court to undertake his suit, and he shall be unable to plead the cause in person, the court may require any of the authorized pleaders of the court to undertake and plead the suit, and no deposit shall be required from the plaintiff for the fees of such pleader.

Reasons for exercising that power to be recorded.

Second. The courts are to state on the record of the trial, their reasons for every exercise of the power vested in them by this Section; and the order of the court in such cases shall be a sufficient warrant to the vakeel to plead in the suit, without filing the usual vakalutnamah.

Stamp duties and other expenses to be remitted to paupers; pleadings on their part and copy of the decree to be on unstampt paper.

VIII. The stamp duty which has been substituted for the institution fee by Regulation I, 1814, shall not be required from plaintiffs who may be admitted to sue as paupers under this Regulation. The plaint, reply, or other pleadings on the part of the plaintiff, as well as applications on his part for receiving exhibits and summoning witnesses, may be written on unstampt paper. The notice to the defendant, the summons for witnesses and other processes on the part of the plaintiff, shall be served through the chuprassies on the establishment of the courts, without any expense to the plaintiff; and the copy of the decree, as well as copies of orders or proceedings which he may be required to take, shall be furnished to a pauper plaintiff on unstampt paper.

All costs and expenses to which the plaintiff would have been liable had he not been admitted to sue as a pauper, to be inserted in the decree.

IX. On the conclusion of the suit, the court shall calculate the whole of the costs which would have been incurred by the plaintiff on account of the several stamp duties prescribed by Regulation I, 1814, and other legal expenses, had he not been permitted to sue as a pauper, and shall charge the same in the decree to the party cast, or to the parties respectively, in such proportions as may be deemed equitable.

The fees of the pauper's pleader when to be paid by the defendant.

X. *First.* If the pauper plaintiff shall gain his suit, the court will cause the defendant to make good the amount of the fees due to the pleader, who may have been employed on account of the plaintiff, or such part of them as the court may decree.

If the claim be dismissed, the defendant is to pay to his own pleader such adequate compensation as the court may direct.

Second. If the claim of the plaintiff be dismissed with costs, the court is authorized and required to levy from the defendant such part only of the established fee for his own pleader as may appear to be an adequate compensation, leaving the remainder to be recovered from any property that may subsequently be found to belong to the plaintiff.

Pauper plaintiffs, under certain circumstances, liable to a sentence of six months imprisonment.

XI. *First.* If the plaintiff shall not establish his claim, and the court shall deem the suit to be unfounded, vexatious, or wilfully exaggerated, and the plaintiff shall not pay the amount of his own fees, and the fees and costs which may be awarded against him in favour of the opposite party, the court is authorized to commit him to close custody in the civil jail, without labour, for a period not exceeding six months.

Execution of such sentence not to be suspended on account of an appeal being preferred from the decision. Proviso.

Second. Such order of confinement shall be carried into immediate execution, and shall not be suspended in consequence of the plaintiff's being desirous of appealing from the judgment; provided however, that the plaintiff shall at any time be entitled to his discharge from such confinement on his paying into court the full amount of the costs and expenses awarded against him in the decree.

Sureties failing to produce a pauper plaintiff, liable to six months imprisonment.

Third. If the pauper plaintiff shall abscond, and his sureties shall not produce him before the court, and the order for his imprisonment cannot therefore be carried into effect, the said sureties shall be called upon to make good the full amount of the costs adjudged against the plaintiff. In the event of their refusing or failing to make good the costs, the court is authorized to commit them to close custody, without labour, in the civil jail, for a period not exceeding six months, subject to the provisions contained in Clause Second of this Section.

Court to realize the costs due from paupers, notwithstanding their imprisonment, or the imprisonment of their sureties.

Fourth. The confinement of a pauper plaintiff, or of his sureties, under this Section, shall not preclude the court from realizing the costs and expenses adjudged against a pauper plaintiff; but in all cases in which such plaintiff may fail to make good the costs and expenses to which he may be declared liable in the decree, whether these costs may be due to the defendant or to Government, the court shall endeavour to realize the amount by the sale of any property which may belong to the plaintiff either at the time of the decree or subsequently thereto.

Persons desirous of appealing as paupers, to present a petition to the superior court.

XII. *First.* If any party to an original suit may be desirous of appealing in formâ pauperis from the decision passed in such suit, he shall present a petition in the mode prescribed by Clause First, Section V, of this Regulation, to the court by which his appeal may be regularly cognizable under the Regulations.

With copy of the decree.

What the petition is to contain.

Second. Such petition shall be accompanied by an authenticated copy of the decree, and shall contain a schedule of the whole real or personal property belonging to the petitioner, and the estimated value of such property, together with a statement of the specific grounds on which the petitioner may desire to prefer an appeal.

Court when to reject the petition.

Third. If upon a perusal of the petition and the copy of the decree, the original judgment shall not appear to the court to be erroneous or unjust, or if the nature of the cause shall not appear to be of sufficient importance to merit a further investigation in appeal, the court will reject the petition, and will refuse to admit the petitioner to sue in appeal as a pauper.

Proviso.

Fourth. Provided however, that the petitioner shall nevertheless be entitled to institute his appeal on performing the conditions of appeal prescribed by the Regulations for persons not suing as paupers.

In what cases the court may admit the petitioner to appeal as a pauper.

XIII. If upon the perusal of a petition presented under the preceding Section, and of the copy of the decree accompanying it, the court shall be of opinion that there is reason to believe the judgment to be erroneous or unjust, or that the nature of the cause renders it deserving of a further investigation in appeal, the court is empowered to admit the appeal, subject to the rules and conditions prescribed in Sections V and VI of this Regulation; Sections VII, VIII, IX, X, and XI, shall also be considered applicable to persons who may be admitted to appeal in formâ pauperis.

Subject to what rules.

Pauper plaintiffs who may have gained their suit to be admitted to respond in appeals as paupers.

XIV. If a decision be passed in any original suit in favour of a pauper plaintiff, and the adverse party shall appeal from such decision, the principles of the rules contained in Sections VII, VIII, IX and X, shall without any further enquiry be considered applicable to the respondent or original pauper plaintiff in such appealed suit; provided that the execution of the original decree shall have been suspended during the appeal.

Proviso.

XV. If

XV. If a decision in favour of a pauper plaintiff be reversed in appeal, the amount of the stamp duty substituted for the institution fee which may have been paid by the appellant, shall be returned to him by the court, together with such portion of the deposit which may have been made by him on account of the fee payable to his vakeel, as may be deemed reasonable, and the amount of such stamp duty and deposit, as well as all other costs and expenses which may be awarded in the decree against the respondent, shall be recovered from any property which the respondent may at any time be found to possess.

Amount of the ſtamp duty paid on appeal to be returned to the appellant in certain caſes,

and recovered with other coſts from the reſpondent's property.

XVI. *First.* If a defendant or respondent, in any suit (except in the case provided for by Section XIV,) shall be desirous of being admitted to plead in formâ pauperis, he shall appear either in person, or by an authorized agent, before the court in which the suit may be depending, *in conformity with the rules prescribed* in Clause First of Section V of this Regulation; and shall present a petition, containing an exact schedule of the whole real or personal property belonging to him, and the estimated value of such property.

Defendant's or reſpondent's wiſhing to plead as paupers, to preſent a petition *to the court.*

Second. The court to whom such petition may be presented, shall then proceed in conformity with Clauses Third, Fourth, Fifth, Sixth, and Seventh of Section V of this Regulation.

Court how to proceed.

Third. If after the examination and enquiries, prescribed in those clauses, the court shall be satisfied that the petitioner is not possessed of sufficient property to defray the probable expenses of the suit, and that he can neither plead the suit in person, nor prevail on any of the authorized pleaders of the court to undertake the defence of the suit, the court is empowered to grant to the petitioners the same advantages and facilities in the defence of the suit as are allowed to pauper plaintiffs and appellants under Sections VII, VIII, IX, and X, of this Regulation, and no security, except for personal appearance, shall be required from such defendant or respondent.

And in what caſes authorized to comply with the prayer of the petition.

XVII. It is hereby declared, that the rules contained in this Regulation are intended to apply to regular suits and appeals only, and not to summary suits or summary appeals of any description; neither are they intended to apply to pauper suits which may have been instituted either originally, or in appeal previously to the 1st of February 1815; such pauper suits and appeals are to be tried and determined in conformity with the Rules heretofore in force.

This Regulation is not applicable to ſummary ſuits, or to ſuits of paupers inſtituted before the 1ſt of January 1815.

XVIII. Copies of the proceedings and judgments of the Sudder Dewanny Adawlut, in appeal to the King in Council, which are required to be written on stampt paper of a prescribed value, by Section XIX, Regulation I, 1814, shall be furnished without expense to paupers, who may be parties in such appeals, and shall be written on unstampt paper of European manufacture.

Copies of the proceedings and judgments of the Sudder Dewanny Adawlut may in certain caſes be written on unſtampt paper.

XIX. Doubts having arisen whether the courts of civil and criminal judicature, the Board of Revenue, the Board of Commissioners, the collectors and other public officers, are authorized to receive from persons professing themselves to be paupers, any miscellaneous petitions, or applications, which are required to be written on stampt paper, or any other paper than the prescribed stampt paper; it is hereby declared, that such petitions or applications shall not be received by any of the said authorities, except on paper bearing the prescribed stamp. Provided, however, that the courts of criminal judicature shall be at liberty to receive petitions on unstampt paper from prisoners, who may be confined under examination or sentence in any of the criminal jails.

Explanation that miſcellaneous petitions and applications are to be written on the preſcribed ſtampt paper.

Proviſo.

A. D. 1814. REGULATION XXIX.

A REGULATION for the settlement of certain Mehals in the District of *Beerbhoom*, usually denominated the *Ghautwaullee* Mehals:—Passed by the Vice President in Council, on the 3d December 1814; corresponding with the 19th Aughun 1221 Bengal era; the 6th Aughun 1222 Fussily; the 20th Aughun 1222 Willaity; the 7th Aughun 1871 Sumbut, and the 20th Zeeheja 1229 Higeree.

WHEREAS the lands held by the class of persons denominated Ghautwauls, in the district of Beerbhoom, form a peculiar tenure, to which the provisions of the existing Regulations are not expressly applicable: And whereas every ground exists

Preamble.

to

to believe, that according to the former usages and constitution of the country, this class of persons are entitled to hold their lands, generation after generation, in perpetuity, subject nevertheless to the payment of a fixed and established rent to the zemindar of Beerbhoom, and to the performance of certain duties for the maintenance of the public peace, and support of the police: And whereas the rents payable by those tenants, have been recently adjusted, after a full and minute enquiry made by the proper officers in the Revenue Department: And whereas it is essential to give stability to the arrangements now established among the Ghautwauls; The following Rules have been adopted, to be in force, from the period of their promulgation, in the district of Beerbhoom.

The ghautwauls in Beerbhoom and their deſcendants in perpetuity to be maintained in poſſeſſion of their lands, and not liable to an enhancement of rent.

II. A settlement having lately been made on the part of the Government with the Ghautwauls in the district of Beerbhoom, it is hereby declared that they and their descendants in perpetuity shall be maintained in possession of the lands, so long as they shall respectively pay the revenue at present assessed upon them, and that they shall not be liable to any enhancement of rent so long as they shall punctually discharge the same, and fulfil the other obligations of their tenure.

The ghautwaulee lands conſidered to form a part of the zemindary of Beerbhoom, and the rents how to be paid.

III. The ghautwaulee lands shall be considered, as at present, to form a part of the zemindaree of Beerbhoom, but the rents of ghautwauls shall be paid direct to the assistant collector stationed at Soory, or to such other public officer as the Board of Revenue, with the sanction of the Governor General in Council, may direct to receive the rents.

The difference between the amount of revenue aſſeſſed on ghautwauls and the fixed aſſeſſment payable to government, to be paid to the zemindar of Beerbhoom.

IV. The difference between the amount of the revenue assessed on the ghautwauls, and the fixed assessment of revenue in this portion of the zemindaree of Beerbhoom payable to Government, shall be paid to the zemindar of Beerbhoom, and his heirs and successors, in perpetuity.

On failure of the ghautwauls to diſcharge their ſtipulated rents, their tenure how to be diſpoſed of;

and the increaſe of revenue which may be obtained by that arrangement, to be paid to the zemindar of Beerbhoom.

V. Should any of the ghautwauls at any time fail to discharge their stipulated rents, it shall be competent for the Governor General in Council to cause the ghautwaulee tenure of such defaulter to be sold by public sale in satisfaction of the arrears due from him, in like manner, and under the same rules as land held immediately of Government, or to make over the tenure of such defaulter to any person whom the Governor General in Council may approve, on the condition of making good the arrear due; or to transfer it by grants assessed with the same revenue, or with an increased or reduced assessment, as to the Government may appear meet; or to dispose of it in such other form and manner as shall be judged by the Governor General in Council proper. Should any increase of revenue be obtained from the operation of any arrangements of the nature above described, such increase shall be paid in conformity to the tenor of the preceding article to the zemindar of Beerbhoom, his heirs and successors.

II.

REGULATION passed by the Governor in Council of *Fort St. George*, in the Year 1814.

A. D. 1814. REGULATION I.

A REGULATION for re-establishing a Zillah Court in the district of *Guntoor*:—Passed by His Excellency the Honourable the Governor in Council of *Fort St. George*, on the 10th of June 1814; corresponding with the 30th of Vyasee of the year Bavah, 1735th year of Saleewaguna, and with the 20th Jamadee Oosanee 1229 Hijeree.

Preamble. WHEREAS under the operation of Clauses First and Third, Section V, Regulation IX, of 1808, the Zillah Court of Guntoor was abolished, and the districts and places comprized within the limits of that zilla, were transferred to the jurisdiction of the Zillah Court of Masulipatam: And whereas it has been found indispensably necessary, as well for the purposes of public justice, as for the convenience of the inhabitants of the said district, that a Court of Adawlut should be re-established at Guntoor; The Honourable the Governor in Council has been pleased to enact the following Regulation:

Clauses First and Third, Section V, Regulation IX, of 1808, Rescinded in part.

II. Such parts of Clauses First and Third, Section V, Regulation IX, of 1808, as transfer to the jurisdiction of the Zillah Court of Masulipatam, the districts heretofore composing the Zillah of Guntoor, are hereby Rescinded.

A court of Adawlut to be re-established at Guntoor. Its jurisdiction defined.

III. A Court of Adawlut shall be re-established at Guntoor, and its jurisdiction shall extend to all civil suits which may arise in the districts and places, hitherto within the limits of that part of the third division of Masulipatam situated south of the river Kistna.

All suits arising in Guntoor and depending before the zillah court of Masulipatam to be transferred to the zillah court of Guntoor

IV. All suits which may have arisen within the limits described in the foregoing Section, and which may be depending before the Zillah Court of Masulipatam, shall be transferred, together with the papers and documents connected therewith, to the Zillah Court of Guntoor.

Clause First, Section VII, Regulation I, of 1811, Rescinded.

V. *First.* Clause First, Section VII, Regulation I, of 1811, is hereby Rescinded.

Order of the jail deliveries in the northern division.

Second. The jail deliveries of the several Zillahs in the Northern Division, with exception to the Zillah of Masulipatam, shall hereafter be held in the following order of succession.

Nellore,
Guntoor,
Rajahmundry,
Vizagapatam,
Ganjam.

III.

REGULATIONS passed by the Governor in Council of *Bombay*, in the Year 1814.

REGULATIONS - - - - N° I.—to—XI.
RULE, ORDINANCE and REGUATION - - N° I.

A. D. 1814. REGULATION I.

A REGULATION for determining the rate of Interest on Money, in the Provinces subject to the Presidency of *Bombay*:—Passed by the Governor in Council on the 12th of January 1814; corresponding with the 6th Poush Vud Sumbut, or Vekramajet Era, 1870; Salbahan 1735; and the 19th Mohurrum 1229, Hijree.

Preamble.

IT being essential to the advancement of Commerce and the security of Property, that the rate of Interest on money should be fixed and determined, the following Rules have been accordingly in that respect enacted: And whereas it is also essential to guard against persons borrowing money on the mortgage and conditional sale of landed property, under a stipulation, that if the sum borrowed be not repaid (with or without interest) by a fixed period, the sale shall become absolute; which species of transfer has been usually denominated Bye-bil-wuffa, or Kutcubbaleh: And whereas persons lending money on Bye-bil-wuffa, in order to render the sale absolute, and thereby possess themselves of the landed property of the borrower, may deny the tender, or evade receiving payment of the money due to them within the period limited for the discharge of it: In such cases, the proof of the tender falls on the borrower; and if he fail in the proof of it, for want of legal evidence, he is liable to lose his estate; it is therefore necessary for the security of the borrower, in such transactions, that he should have the means of establishing, before a court of judicature, his having tendered, or being ready to pay, within the stipulated period, the amount due from him to the lender, who, if he mean to act fairly, will also derive a benefit from a rule being laid down, whereby it may be ascertained whether the borrower was willing to redeem his property by the payment of the money lent upon it, within the period agreed upon between the parties, or whether, from his having omitted to perform the conditions of such redemption, the sale is become absolute, and the property included therein finally transferred to the lender. The Governor in Council has accordingly been pleased to pass certain Rules for the better regulating such transactions.

Twelve per cent. per annum to be the higheſt rate of intereſt.

II. The Courts of Adawlut shall not decree interest on money lent or on debts, above the rate of twelve per cent. per annum.

If a lower rate be ſtipulated, ſuch rate only to be paid.

III. Where a lower rate of interest may have been stipulated between parties than twelve per cent. per annum, the rate so stipulated, and no other, shall be paid.

Where the intereſt may exceed the principal, the exceſs not to be decreed.

IV. Where the interest on debts, or on money lent, may have accumulated so as to exceed the principal money, the Courts of Adawlut shall not decree a greater sum for interest than the amount of such principal money.

Courts not to decree compound intereſt on intermediate adjuſtment of accounts.

Proviſo.

V. The Courts of Adawlut shall not decree to creditors compound interest arising from intermediate adjustments of accounts; but this rule shall not extend to cases where accounts between the parties having been adjusted, the former bonds or agreements may have been cancelled, and new bonds or agreements taken for the aggregate amount of the principal, and the legal interest remaining due upon the adjustment, consolidated into principal money.

VI. Bonds or Instruments which may appear to have been given after the expiration of twelve months subsequently to the issue of this Regulation, for the security and evidence of debts, and bearing a higher rate of interest than twelve per centum per annum, shall not be recoverable in the Courts of Adawlut.

Bonds given after twelve months ſubſequent to this Regulation, bearing more than the legal intereſt not recoverable in the courts

VII. Where ſuits may be proſecuted on bonds or inſtruments given prior to the iſſue of this Regulation, the Courts of Adawlut ſhall not decree the adjuſtment of ſuch debts at a higher rate of intereſt than twelve per centum per annum.

If given prior to this Regulation, the legal intereſt only to be decreed.

VIII. In caſes of mortgages of real property, in which the mortgagee may have had the uſufruct of the mortgaged property whether he ſhall have held it in his own poſſeſſion or not; the uſufruct ſhall be allowed to the mortgagee in lieu of intereſt, agreeably to the cuſtom of the country; provided it ſhall have been ſo ſtipulated between the parties, and provided ſuch agreement may have been made prior to the iſſue of this Regulation: in caſes of ſuch agreements bearing date ſubſequently to the iſſue of this Regulation, the ſame intereſt only ſhall be allowed on ſuch mortgage bonds, as is allowed on other bonds granted on or ſubſequently to ſuch date; and all ſuch mortgages ſhall be conſidered to be virtually, and in effect, cancelled and redeemed, whenever the principal ſum of money, with the ſimple intereſt due upon it, may have been recovered from the uſufruct of the mortgaged property, or otherwiſe liquidated by the mortgager.

How the courts are to act in caſes of mortgages of real property where the mortgagee has had the uſufruct both before and ſubſequently to the iſſue of this Regulation.

IX. For the adjuſtment of accounts in the caſes of mortgages above ſpecified, where the mortgagee may have had the uſufruct of the mortgaged property, he ſhall deliver into court the accounts of his groſs receipts from the property mortgaged, and alſo of his expenditures for the management or preſervation of it: the mortgagee ſhall ſwear, or (if he be of the deſcription of perſons whom the courts are empowered to exempt from taking oaths,) ſhall ſubſcribe a ſolemn declaration, that the accounts delivered are true and authentic; the mortgager ſhall have power to queſtion the accounts, and to ſtate objections on evidence; the Courts of Adawlut ſhall then adjuſt the accounts accordingly.

Rule for the adjuſtment of accounts in caſes of mortgages above ſpecified.

X. Nothing in this Regulation ſhall be conſtrued to extend to Reſpondentia Loans, or Policies of inſurance; the Intereſt on which ſhall be regulated by the terms of the deeds, and the laws and uſages which prevail reſpecting ſuch tranſactions.

This Regulation not to affect reſpondentia loans or policies of inſurances.

XI. In all inſtances of the loan of money on Bye-bil-wuffa, or on the conditional ſale of landed property, however denominated, as explained in the Preamble to this Regulation, the borrower, who may be deſirous to redeem his land by the payment of the money lent upon it with any intereſt due thereon within the ſtipulated period, is at liberty, on or before the date ſtipulated, either to tender and pay to the lender the amount due to him; taking ſuch precautions as he may think neceſſary to eſtabliſh ſuch tender and payment, if evaded or denied, or, without any tender to the lender, to depoſit the amount due to him on or before the ſtipulated date, in the Court of Adawlut of the zillah in which the land may be ſituated; and the judge receiving the ſame ſhall furniſh the party with a written receipt for the amount, ſpecifying on what date and for what purpoſe ſuch depoſit may have been made. He ſhall alſo, at the ſame time, cauſe a written notice of ſuch depoſit to be delivered to the lender, and on the application of the latter, and his ſurrender of the conditional bill of ſale, or ſhewing ſatisfactory cauſe why it cannot be ſurrendered, ſhall pay him the amount depoſited, and take his acknowledgment, to remain among the records of the court. That there may be no doubt to what amount the depoſit in queſtion is to be made, it is required to be as follows. When the lender has not obtained poſſeſſion of the lands, the depoſit is to be the principal ſum lent, with the ſtipulated intereſt thereon not exceeding the legal rate of twelve per cent. per annum; or if intereſt be payable, and no rate has been ſtipulated, with intereſt at the eſtabliſhed rate of twelve per cent.; but if the lender has held poſſeſſion of the land, the principal ſum borrowed only need be depoſited, leaving the intereſt to be ſettled on an adjuſtment of the lender's receipts and diſburſements during the period he has been in poſſeſſion. In either caſe a depoſit made as above required, ſhall be conſidered to preſerve to the borrower his full right of redemption; and if the land be in the poſſeſſion of the lender ſhall entitle him to demand the immediate recovery thereof, ſubject to the adjuſtment of accounts ſpecified in the following Section. Provided, however, that if the borrower in any caſe ſhall depoſit a leſs ſum than above required, alleging that the ſum ſo depoſited is the total amount due to the lender, for principal and intereſt, after deducting the proceeds of the lands in his

Perſons who have borrowed money on a conditional ſale of land, and who may be deſirous of redeeming the land by payment of the money lent upon it, how to proceed for this purpoſe. May within the ſtipulated period either tender and pay the amount due to the lender, or depoſit the ſame in the local court of Adawlut.

Receipt to be given by the judge for ſuch depoſit.

Notice to be given to the lender, and payment to be made to him under reſtrictions.

Specification of the depoſit required.

Rights of the borrower preſerved by making the required depoſit.

Proviſo, with reſpect to depoſits leſs than above required, if alleged to be the total amount due.

Such depoſits to be alſo received: and to preſerve the borrower's rights, if admitted, or eſtabliſhed to be the total amount due.

his possession, or otherwise, such deposit shall be received, and notice given to the lender as above directed, and if the amount so deposited be admitted by the lender, or be established, on investigation, to be the total amount due to him, the right of redemption shall be considered to have been fully preserved to the borrower; who will not, however, in such cases, be entitled to the recovery of his lands until it be admitted, or established, that he has paid the full amount due from him.

When the lender has poſſeſſed the land, and an adjuſtment of accounts may be neceſſary, he is to account for the proceeds of the Eſtate, on the principles preſcribed in this Regulation.

Exception.

XII. In all instances where the lender on a Bye-bil-wuffa, or similar conditional sale, may have been put in possession of the land, and an adjustment of accounts may consequently become necessary between him and the borrower, the lender is to account to the borrower for the proceeds of the estate whilst in his possession, on the principles prescribed with regard to mortgages and interest in this Regulation, so far as the same may be applicable to the nature of the case. But such part of Section VIII as directs that the mortgages therein referred to, are to be considered as cancelled and redeemed whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property, or otherwise liquidated by the mortgager, shall not be held applicable to the conditional sales, under the denomination of Bye-bil-wuffa.

Teep not to be conſidered a legal tender, in caſes referred to, unleſs accepted by the lender.

Such acceptance how to be proved.

XIII. A teep for the repayment of money lent on the conditional sales of Bye-bil-wuffa, shall not be considered a legal tender, unless accepted as such by the lender, the proof of which acceptance shall be the lender's giving up the bill of sale, or giving a written acknowledgment that he has received back the money lent by him.

Nothing in this Regulation to alter the contract between the parties.

And all queſtions of right to be regularly determined by the courts.

XIV. Nothing in this Regulation being intended to alter the terms of contract settled between the parties in the transactions to which it refers, (illegal interest excepted) the several provisions in it are to be construed accordingly, and any question of right between the parties is to be regularly brought before and determined by the courts of civil justice.

Nothing in this Regulation to interfere with loans made in grain.

Intereſt on loans in grain not to exceed treble the value of the grain lent.

XV. Nor shall any thing in this Regulation, which is limited to interest on money, interfere with the established practice of the country, founded on the Hindoo Law, in regard to loans made in grain; which practice is hereby allowed to continue, with the provision prescribed by the Hindoo Law, whereby in no case is the accumulated interest allowed to be more than treble the value of the grain lent.

A. D. 1814. REGULATION II.

A REGULATION for establishing the office of Tullaties, or Village Accountants, and defining the Duties of the said Office, in the British Territories, under the Presidency of *Bombay*:—Passed by the Right honourable the Governor in Council of *Bombay*, on the 12th January 1814; corresponding with the 6th Poush Vud Sumbut, or Vikramajet era 1870; Salban 1735; and the 19th Mohurrum 1229 Hejree.

Preamble.

WHEREAS it is expedient for the purpose of obtaining a correct knowledge of the resources of districts, that the Tullaties, or village accountants, should be subject to the immediate authority of the collector; the Right honourable the Governor in Council has been pleased to enact the following Rules:

Tullaties placed under the immediate authority of the collectors.

II. All Tullaties of villages shall be under the immediate authority of the collectors, and their subordinate officers; and collectors and their subordinate officers shall have full power to require the attendance of Tullaties, when and where their services are wanted.

Subject to diſmiſſion from office by Government.

III. Tullaties shall be liable to dismission from office by the Governor in Council, for incapacity, disobedience, or neglect of the orders of the collectors, or for falsifying or mutilating accounts.

Tullaties to be appointed by Government on a recommendation from the collectors.

Proviſion for the diſcharge of the duties on any Tullatie

IV. Where there may not be Tullaties established, collectors shall report the deficiency to the Governor in Council, and the names of the persons whom they would recommend to the office, and to whom they are authorized to entrust the execution of the duties of the office protempore. Where the Tullatie may have abandoned the duties of his office for other pursuits, the collector shall call upon him to return, and reassume the duties of his office within one month; and in the event

event of his failing so to do, shall report the failure to the Governor in Council, with the name of the person whom he would recommend to succeed to the office, and wait the orders of the Governor in Council. abandoning his office.

V. *First.* Tullaties duly appointed to their offices shall keep complete registers according to Form No. 1. in the Appendix, of the extent of the lands in each village, specifying the boundaries and land marks, and shewing their appropriation, viz. arable, cultivated and uncultivated pasture, occupied for houses, gardens, rivers, tanks, springs or wells, waste, in hills, jungle, or rocks. Records to be kept by the Tullaties specified.

Second. A further register shall be kept (according to Form No. 2,) specifying the extent and description of land, in each village, exempt from paying revenue to Government, either wholly or partly, with the purposes to which such exempted lands are appropriated, and the names of the holders.

Third. The Tullatie shall keep a record according to Form No. 3, of all grants or sunnuds by which lands are held exempt from revenue, the purposes for which such lands were granted, the condition of the grant, and the names of the holders.

Fourth. Tullaties shall report to the collector the death of all incumbents on lands exempt from paying revenue to Government.

Fifth. Tullaties shall be present at the estimation of the crops, and at the measuring and dividing of the produce.

Sixth. Tullaties shall keep true accounts, according to Form No. 4. of the gross produce of all lands, whether paying revenue to Government or not; where the produce of such land may be shared between the Government, and the cultivators, Tullaties shall also enter in their registers the quantity of grain so divided, with the rates of division.

Seventh. Tullaties shall also keep registers, according to Form No. 5, of the rates, and amount of all fees, soocrees and cherdas, appropriated to the officers and servants of the pergunnah and of the village, specifying whether such fees or soocrees and cherdas are payable from the gross produce of the entire lands, from the Government, or landholders share, or from the ryots share.

Eighth. Where lands may be liable to pay money rents, Tullaties shall keep registers according to Form No. 6, of the extent of the land cultivated, and of the rates and amount of the money rents.

Ninth. Tullaties shall keep registers, according to Form No. 7, of lands cultivated in gardens, and the rates and amount of the division of the produce of such lands, when the produce may be divided in kind.

Tenth. Tullaties shall keep registers according to Form No. 8, of timber and fruit trees and likewise trees yielding spirituous liquors, distinguishing such as exclusively belong to the Government, from those which are the property of individuals, discriminating such as are liable only to a division of produce, and the rate of such division.

Eleventh. Tullaties shall keep registers, according to Form No. 9, of the quit rent, and ready money payments, collected in each village.

Twelfth. Tullaties shall keep monthly registers, according to Form No. 10, of the price of all kinds of grain, with the quantity and description imported or exported.

Thirteenth. Tullaties shall keep registers according to Form No. 11, of strangers passing or repassing as reported to them by the village watchers, and such registers shall at all times be open to the inspection of the officers of police.

Fourteenth. Tullaties shall keep the accounts, which are to exhibit the actual revenue, and charges of the village, and the records of their offices entire, and shall not carry such accounts or records, out of their respective villages, unless required to do so by competent authority.—Tullaties secreting the accounts, or records of their offices, or transporting them beyond their respective villages, except by due authority, shall be liable to fine and imprisonment, until the accounts and records may be produced; but landholders and farmers of land shall at all times have free access to the accounts and records, with power to take copies of them.

VI. Tullaties shall produce, whenever required by the collector, or by the adawlut of the zillah, or by the landholder or farmer of the lands, the records and accounts relating to the lands, produce, revenue, and charges of their villages respectively. To be inspected by the collector and adawlut when required

VII. Tullaties shall be compellable to swear to the truth of such accounts, or information, as they may furnish before a court of judicature, and it shall be competent Accounts of the Tullaties to be rendered on oath; courts empowered to take the

depoſitions of Tullaties by commiſſion when at a diſtance.

petent for the court to grant a commission for the purpose of receiving the depositions of such Tullaties, as it may be necessary to examine at a distance from the court, provided that the said commission shall contain the name of each Tullatie, to be examined on oath.

Tullaties rendering falſe accounts to be tried for perjury.

VIII. Where Tullaties may deliver false, or fabricated, or mutilated accounts or information, after having been duly sworn, the Judge of the Adawlut shall commit such Tullaties to be tried for the crime of perjury, before the Court of Circuit.

Landholders or other perſons concerned therein to be alſo tried for perjury.

IX. Landholders or other persons associating themselves with Tullaties for the purpose of producing, or procuring false, or fabricated, or mutilated accounts, or information, shall also be committed by the Judge of the Adawlut, for trial before the Court of Circuit, for subornation of perjury.

The accounts and records to be kept in the dialect of the village.

X. The accounts and records of the Tullaties are to be kept in the dialect of the village, whether Mahratta, Hindoostanee or Guzerattee, and in the form of writing most commonly observed by those accustomed to keeping records in those languages.

Tullaties not to be appointed excluſively to villages yielding leſs than 1,000 rupees. Proviſion for the ſaid villages.

XI. As villages yielding less than a thousand rupees annual revenue do not require the attention of a Tullatie exclusively, the charge of two or more of them is committed to the same officer, where the situation suits; or the accounts of the smaller village are to be given in charge to the Tullatie employed in that most contiguous, without particular reference to its extent.

Rates of remuneration to the Tullaties.

XII. The following is to be the rate of remuneration for the Tullaties.

On Villages, the revenues of which are more than one thousand and do not exceed two thousand, five per cent. on one thousand, as above prescribed, and four per cent. on the remainder.

On Villages, the revenues of which are more than two thousand rupees, and do not exceed three thousand rupees, remuneration to be made on two thousand as above prescribed, and at the rate of three per cent. for the remainder.

On Villages, the revenues of which are more than three thousand rupees, and do not exceed four thousand rupees, remuneration to be given on three thousand as above prescribed, and two per cent. on the remainder.

On Villages, the revenues of which are more than four thousand rupees, remuneration to be given on four thousand as above prescribed, and one per cent. on the remainder.

XIII. The following is a statement in figures of the above.

		Rupees.
On a Village yielding revenue rupees	1,000, the Tullaties receive -	50
On Ditto - - - -	2,000 - - Ditto - -	90
On Ditto - - - -	3,000 - - Ditto - -	120
On Ditto - - - -	4,000 - - Ditto - -	140
On Ditto - - - -	5,000 - - Ditto - -	150
On Ditto - - - -	10,000 - - Ditto - -	200
On Ditto - - - -	15,000 - - Ditto - -	250
On Ditto - - - -	20,000 - - Ditto - -	300

Tullaties to be rewarded by appointing them to ſituation of higher emolument.

XIV. Under this progressive mode of remuneration, it will be the duty of the collector to reward the services of the Tullaties, by appointing them, as vacancies may occur, to situations of greater trust and higher emolument, according to their respective merits.

Aſſiſtant Tullatie where to be appointed and how remunerated.

XV. When the duties of the situation are arduous from the extent of the charge, an assistant Tullatie is to be appointed, and remunerated out of the amount assigned to his principal.

Villages in which tullaties are to reſide.

XVI. The Tullaties are to reside permanently in all villages the revenues of which exceed 2,000 rupees per annum.

APPENDIX.

—N° 1.—

REGISTER exhibiting the extent of the LANDS in the Village of in the Purgunnah of specifying the Boundaries and Land Marks, and shewing their appropriation, viz. Arable, cultivated and uncultivated Pasture, occupied by Houses, Gardens, Rivers, Springs, or Wells, Waste, in Hills, Jungul, or Rocks.

ARABLE.								WASTE.					
Cultivated.	Uncultivated.	Gardens.	Established Village Pasture.	Total Beegas.	Occupied by Houses.	Rivers.	Tanks.	Well or Springs.	Jungul.	In Hill producing Pasture.	Rocks.	TOTAL.	GRAND TOTAL.	VILLAGE BOUNDARIES; and REMARKS.

—N° 2.—

STATEMENT of the Extent and Description of the LANDS in the Village of in the Purgunnah of exempt either wholly or partly from paying Revenue; with the purposes to which they are appropriated, and Names of the Holders.

Lands wholly exempt from Revenue.						Lands partly exempt from Revenue.						
Names of the Holders.	Purpose to which appropriated.	Description of Land.	Number of Beegas.	Rated Value per Beega.	Total appropriated to purposes stated in 2d Column.	Names of the Holders.	Purpose to which appropriated.	Description of Land.	Number of Beegas.	Rated Value per Beega.	Rate of Assessment.	Total of Exemption appropriated to purpose stated in 2d Column.

—N° 3.—

RECORD of Grants or Sunnuds by which Lands are held exempt from Revenue, in the Village of in the Purgunnah of with the purposes for which such Lands were granted, the Condition of the Grant, and the Names of the Holders.

Names of Holders.	Purpose for which granted.	Condition of Grants.	Quantity of Lands.	Rated Value per Beega.	Total Amount: Value of Grants.

—N° 4.—

STATEMENT of the Gross Produce of the Lands of the Village of in the Purgunnah of and of the Share accruing to Government from those Lands paying Revenue in kind.

Names of Fields.	TULPUT or SIRCAR's LANDS.												SIRCAR's SHARE.				Remarks,
	Cultivators Names.	Number of Beegas.	Wheat.	Jowaree.	Badjree.	Cotton.	Tour.	Mutt.	Moong.	Barley.	Total of Gross Produce.	Sundry Items deducted.	Balance, deducting Items.	Rate of Division.	Amount of Sircar's Share. Mds.	Total of Sircar's Share, including Items deducted from Gross Produce.	
WANTA, or GRACIA's LANDS.																	
WEIZZEFA, or MOHUMMEDAN GRANTS:																	

—N° 5.—

STATEMENT of the Rates and Amount of all Fees, Soocries and Cherdas existing in the Village of in the Purgunnah of appropriated to the Officers and Servants of the Purgunnahs and of the Village; specifying whether they are payable from the Gross Produce of the entire Lands, from the Government, or Land Holders Share, or from the Ryots Share.

Payable from the Government Share - - - - -
Purgunnah Officers - - - - - -
Purbhoodass Dessoy - - - - - -
Chohundass Moozmoodar - - - - -
Village Officers, &c. - - - - -

—N° 6.—

STATEMENT of the Land in the Village of in the Purgunnah of paying Money Rents, and of the Rates and Amount of the same.

TULPUT:—

Names of Fields.	Cultivators Names.	Beega.	Crop.	Description of Lands.	Rate per Beega.	Amount.	Remarks.
WANTA:—							
WAZZEFA:—							

—N° 7.—

REGISTER of Lands cultivated in Garden, with the Rates and Amount of the Division of the Produce of such Lands, or their Money Payments, in the Village of in the Purgunnah of

Names of Gardens.	Names of Cultivators.	Number of Beegas.	Crop.	Quantity.	Sircar's Proportion.	Value of Sircar's Share.			Rate per Beega.			Amount.			Remarks.
				Mds.		Rs.	Q.	Rs.	Rs.	Q	Rs.	Rs.	Q.	Rs.	

—N° 8.—

REGISTER of Timber and Fruit Trees in the Village of in the Purgunnah of distinguishing those that exclusively belong to Government, and those that are the Property of Individuals; and discriminating such as are liable to a Division of the Produce and the Rate of Division.

Names and Description of Trees.	The Property of Government:				The Property of Individuals:				
	Number, the Produce of which are not liable to Division.	Number, the Produce of which are liable to Division.	Total Number of Trees.	Rate of Division.	Number, the Produce of which are not liable to Division.	Number, the Produce of which are liable to Division.	Total Number of Trees.	Rate of Division.	Total of Trees in the Village.

—N° 9.—

REGISTER of Quit Rent and Ready Money Payments collected in the Village of in the Purgunnah of

Number of the Parties.	Quit Rent.		Verrah of Money Payments generally.										Total of Verrah.	Total of Quit Rent and Verrahs.
	Quantity of Land.	Amount.	Plough Verrah.	Ghee Verrah.	Musswary.	Kore Verrah.	Choolah Verrah.	Poonja Verrah.	Bhat.	Rujjah Verrah.	Mull Verrah.	Chty amon &c. &c.		
		Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.	Rupees. Quarters. Reas.		

—N° 10.—

REGISTER of the Prices of Grain in the Village of in the Purgunnah of and of the Quantity exported and imported for the Month.

Month:	BADJREE.			RICE.		WHEAT.		GRAM.		BARLEY.		MUTT.	
Date:	Number of Seers per Rupee.	Imported. Maund.	Exported. Maund.	Imported. Maund.	Exported. Maund.	Imported. Maund.	Exported. Maund.	Imported. Maund.	Exported. Maund.	Imported. Maund.	Exported. Maund.	Imported. Maund.	Exported. Maund.

—N° 11.—

REGISTER of Strangers passing through the Village of in the Purgunnah of

Date.	Names of Strangers.	Cast.	From or of what Place.	Where proceeding.	Professed Object.	Remarks.

A. D. 1814. REGULATION III.

A REGULATION for trying the validity of the Titles of Persons holding, or claiming to hold, Lands exempted from the Payment of Revenue under Grants not being Badshahie, or Royal Grants; to amend and explain the existing Limitation of Time for the cognizance of Suits in the Civil Courts; and for determining the amount of the annual Assessment to be imposed on the Lands so held which may be adjudged to be, or may become liable to, the Payment of public Revenue, in the British Territories subject to the Presidency of Bombay:—Passed by the Governor in Council, on the 12th of January 1814; corresponding with the 6th Poush vud Sumbut, or Vekramajet era, 1870; Salbahan 1735; and the 19th Mohurrum 1229 Hejree.

Preamble.

WHEREAS the ruling power of the provinces now subject to the Government of Bombay, has, in conformity to the ancient usages of the country, reserved to itself, and has exercised, the actual proprietary right of lands of every description; And whereas, consistently with that principle, all alienations of land, except by the consent and authority of the ruling power, are violations of that right; but whereas considerable portions of lands have been alienated by the unauthorized encroachments of the present possessors; by the clandestine collusion of local officers; and by other fraudulent means; It is expedient that Rules should be enacted for the better ascertainment of the titles of persons holding or claiming to hold lands exempted from the payment of revenue to Government, under grants not being Badshahie, or Royal; that the existing limitation of time for the cognizance of suits in the Civil Courts, should be amended and explained; and that the assessment on such lands as may become liable to pay revenue to Government should be fixed: Wherefore, the following Rules are enacted for that purpose.

All grants for holding lands, exempt from the payment of Revenue, made previously to the following dates, to be valid.
At Salsette and Caranja previously to the 1st December 1774.
At Surat previously to the 13th May 1800.
In the Chowrassy & Chickly Pergunnahs previously to the 15th March 1802.
In the territories ceded by the Guicawar previously to the 5th June 1803.
In the territories ceded by the Peishwa previously to the 31st December 1802.
At Broach previously to the 29th August 1803.

II. All grants for holding lands exempt from the payment of revenue, in the islands of Salsette and Caranja, which shall have been made by competent authority, previously to the 1st December A. D. 1774; and all such grants as may have been made in the territories ceded by the Nawab of Surat previously to the 13th of May 1800; and all such grants as may have been made previously to the 15th of March 1802 in the Pergunnahs of Chourassee and Chickly, granted as a free gift by the Guicawar to the Honourable Company; and all such grants as may have been made previously to the 5th of June 1803, in the territories ceded by the Guicawar; and all such grants as may have been made previously to the 31st of December 1802 in the territories ceded by the Peishwa under the treaty of Bassen; and all such grants as may have been made previously to the 29th of August 1803 in the district of Broach, of which the Company acquired possession on that day by conquest, shall be valid; and all persons holding lands exempt from the payment of public revenue under grants made by competent authority previously to the several dates hereinbefore specified, shall continue to hold such lands without let or molestation: provided that such lands may not have escheated to the State, or may not have been resumed, and assessed for the public revenue, since the period of those dates respectively.

Doubts as to the competence of an officer to issue grants for exempted lands, or as to the authority of an officer to resume and assess such lands, to be determined by the Governor in Council only.

III. Where doubts may arise with respect either to the competency of a public officer to issue grants for exempted lands, or with regard to the authority of the public officer to resume and assess exempted lands in cases to be tried under this Regulation; the same shall be determined by the decision of the Governor in Council only; and the said decision produced in the courts of judicature shall regulate the judgment of such court.

Where lands have paid revenue for twelve years, claims to exemption therefrom to be null and void.

IV. Where the lands of persons claiming to be exempted from the payment of revenue under authentic titles, may have paid revenue, notwithstanding such titles, for a period of twelve years antecedently to such claims, the said lands shall continue to pay the public revenue in the same manner as if no such titles existed; and the said titles shall be null and void.

Limitation of twelve years for commencement of civil suits, prescribed by existing Regulations not applicable to any public claims, instituted, on the part

V. *First.*—The limitation of twelve years for the commencement of civil suits, under certain provisions and exceptions, which has been prescribed by Section XIII, Regulation III, 1799, and Section XIII, Regulation I, 1800, shall not be considered applicable to any suits for the recovery of the public revenue, or for any public right or claim whatever, which may be instituted by or on behalf

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of Government, by persons duly authorized.

behalf of Government, with the sanction of the Governor in Council, or by directions of any public officer or officers, who may be duly authorized to prosecute the same on the part of Government.

All claims on the part of Government, for the cognizance of which no special rule may be in force, declared cognizable, under the Regulations, if duly preferred within sixty years from the origin of the cause of action.

Second.—All claims on the part of Government, whether for the assessment of land held exempt from the public revenue without legal and sufficient titles to such exemption, or for the recovery of arrears of the public assessment, or for any other public rights whatever, (the judicial cognizance of which may not have been otherwise limited by some special rule or provision in force) shall be heard, tried, and determined in the several courts of civil justice to which the cognizance thereof may properly belong, under the general Regulations which have been or may be hereafter enacted; if the same be regularly and duly preferred at any time within the period of sixty years from and after the origin of the cause of action: Provided that such cause of action shall not have originated prior to the dates inserted in the Second Section of this Regulation.

Provided the cause of action shall not have arisen prior to the periods already specified.

Limitation of twelve years also declared not applicable to private claim of right to immovable property, if the person in possession shall have acquired possession by violence, fraud or other unjust or dishoneſt means.

VI. *First.*—Nor shall the limitation of twelve years fixed by Section XIII, Regulation III, 1799, and Section XIII, Regulation I, 1800, be considered applicable to any private claims of right to lands, houses, or other permanent immovable property, if the person or persons in possession of such property when the claim of right thereto may be preferred in a competent court of judicature, shall have acquired possession thereof by violence, fraud, or by any other unjust or dishonest means whatever; or if such property shall have been so acquired by any other person or persons from whom the actual occupants may have derived his or their title, and shall not have been subsequently held under a just and honest title (such as inheritance, purchase, fair donation or any other fair title, believed to have conveyed a right of possession and property) during a period of twelve years antecedent to the time of preferring a claim of right thereto in a competent court: Provided that such violent, fraudulent, unjust or dishonest acquisition be established to the satisfaction of the court in which the claim may be preferred; or if the suit be appealable, to the satisfaction of the proper court of appeal.

Or if the person from whom the actual occupant derived his title shall have acquired possession by such means, and the property may not have been subsequently held under a fair title believed to convey right for twelve years.

Provided that such violent, fraudulent, unjust or dishoneſt acquisition be eſtabliſhed.

Mode of proceeding to be observed in the cases provided for by the preceding clause.

Second. In all such cases, viz. when the original cause of action may have arisen more than twelve years before the institution of the suit, and the claim may not be cognizable under the exceptions and provisions contained in the Regulations and Sections above cited; but may be nevertheless cognizable under the provision made by the preceding clause, from the defendants having acquired possession of the claimed property by violence, fraud, or other unjust and dishonest means; or from the property, after being so acquired by any other person, not having been subsequently held by the present occupant and his predecessors under a just and honest title, during the prescribed period of twelve years; the plaintiff shall set forth the same distinctly either in his petition of plaint, or in his replication. The court, after taking the answer and rejoinder of the defendant, shall, if the alleged unjust and dishonest accusation be denied by the defendant, examine any evidence that may be adduced by the plaintiff in proof of his allegation; as well as any evidence, that may be brought by the defendant to prove his just and honest acquisition of the property claimed, or the just and honest possession thereof by himself and his predecessors during more than twelve yeaes; after which the court shall determine whether the suit in question be cognizable under the present Rules and Section or otherwise; and if such determination be in favour of the plaintiff; or in appealed cases, if determination for the cognizance of the suit be passed by the Court of Appeal, the merits of the plaintiff's claim of right shall be heard, tried, and determined, notwithstanding the lapse of time, in like manner as if the claim had been regularly preferred within twelve years after the origin of the cause of action.

Plaintiff to set forth the circumstances of unjust or dishonest acquisition in his plaint or replication.

Evidence to be taken from both parties, if the allegation be denied by the defendant.

Determination to be passed by the original court; and by the court of appeal, in appealed cases.

And claim of right, if declared cognizable, to be tried and determined as if preferred within twelve years after the origin of the cause of action.

No suit whatever to be held cognizable in any court of justice, if the cause of action shall have arisen sixty years before the institution of it.

Third. Provided, that nothing in the preceding clause of this Section, or in any part of the existing Regulations, shall be held to authorize the cognizance of any suit whatever in any court of justice, if the cause of action shall have arisen sixty years before the institution of such suit; nor shall any plea on the part of the plaintiff for the non-prosecution of his claim of right during the period of sixty years after the origin of his alleged cause of action, nor any original defect of title on the part of the possessor of the property claimed after the lapse of such period, be deemed a sufficient ground for taking judicial cognizance of any suit

so preferred; moreover, although the property claimed may have been acquired by an insufficient title within the period of sixty years, hereby fixed as the utmost limit for the cognizance of any claims in the established courts of justice, if the property so acquired shall have descended by inheritance, to the person in possession when the claim thereto may be preferred after a lapse of twelve years; or if such person shall have obtained just and honest possession thereof by purchase, fair donation, or by any other title believed to be just and valid, and not appearing to be in any repect collusive, for the purpose of depriving the plaintiff of his right, and either such occupant himself, or any other person in his behalf, or from whom the property may have been obtained under any of the titles aforesaid, or the whole in succession, shall have held quiet and unmolested possession, under a title believed to be just and valid, during a period of twelve years antecedent to the time of a claim thereto being preferred in a competent court; the provisions made by Clauses First and Second of this Section, shall not be considered applicable to any private claims to property so circumstanced, which are therefore to be deemed inadmissible as heretofore after twelve years from the origin of the cause of action, unless the same be cognizable under the exceptions and provisions already in force.

Clauses First and Second of this Section further declared inapplicable to any private claims to property acquired by an insufficient title, within sixty years, if held by the actual occupant, or in his behalf, or by the persons from whom he may have obtained it without molestation and under a title believed to be just and valid during twelve years antecedent to the institution of the suit.

Provisions already in force as stated in Clause Second of this Section, applicable to all such cases.

Fourth. Provided further, that no length of time shall be considered to establish a prescriptive right of property, or to bar the cognizance of a suit for the recovery of property in cases of mortgage, or deposit, wherein the occupant of the land or other property may have acquired or held possession thereof as mortgagee or depositary only, without any proprietary right; nor in any other case whatever wherein the possession of the actual occupant, or of those from whom his occupancy may have been derived, shall not have been under a title bonâ fide believed to have conveyed a right of property to the possessor.

Further provisions for cases of mortgage and deposit.

No length of time to bar the cognizance of suits for the recovery of property in such cases.

Nor in any case wherein the possession shall not have been under a title believed to have conveyed a right of property to the possessor.

VII. Exempted lands, held under life tenures, shall be resumable by collectors from and after the death of such life tenants; and persons claiming exempted lands on expired life grants shall be nonsuited, with full costs.

Life tenures resumable after the death of the incumbent.

VIII. Where the grants for exempted lands may expire, or be resumed, such lands shall be liable to be assessed for public revenue, in the same manner as other similar lands paying revenue in the other districts of the zillah.

How the assessment of exempted lands, where the grants may expire or be resumed is to be regulated.

IX. Persons holding exempted lands, under grants of any description, shall not be liable to be ejected; except by the decree of a court of judicature.

Persons holding exempted lands not liable after the land revenue has been permanently fixed, to ejectment; except by the decree of a court of judicature.

X. It shall be competent for collectors to demand from persons holding exempted lands, the production of the sunnuds and deeds by which they hold; and such persons shall produce their sunnuds and deeds and deliver them to collectors on sufficient receipts to be signed by the said collectors; persons refusing or delaying unreasonably to comply with the demands of collectors for the production of their sunnuds, shall be liable to pay such fine as the adawlut of the zillah may adjudge; and for the second, and every subsequent offence, such persons shall be liable to fine and imprisonment.

Power given to collectors to require the production of grants for exempted lands.

Penalty in cases of refusal.

XI. But it shall not be competent for collectors to institute suits in the courts of judicature for the recovery of exempted lands, except by the permission of the Governor in Council, obtained in writing for that purpose.

Collectors not to institute suits for the recovery of exempted lands without authority.

XII. Where collectors may be duly authorized to institute suits for the recovery of exempted lands, and the holders of such lands may persist in refusing to produce their sunnuds, or deny having any sunnuds, it shall be competent to collectors in such cases to attach the said lands, and to proceed against the holders of the said lands, in like manner as for the recovery of arrears of revenue.

Collectors how to proceed when provided with such authority, and the holders of exempted lands refuse to produce their sunnuds.

XIII. Collectors shall receive for the trouble of prosecuting the holders of lands under invalid titles, a compensation equal to twenty-five per cent. on the amount of the annul jummah of redeemed lands, which may be recovered by the decree of a court.

Collectors how to be compensated for the trouble of prosecuting the holders of lands.

XIV. Collectors prosecuting to a final decision shall receive the compensation. Collectors instituting suits for the recovery of alienated lands, but leaving the zillahs before final decisions may be passed, shall not be entitled to such compensation.

And in what particular cases.

XV. Where

Penalty in cafes of forged, counterfeited, or altered grants being produced.

XV. Where grants or sunnuds may be produced for lands to be held exempt from the payment of public revenue, being forged or counterfeited, or where the name of the original grantee may be forged, and another name substituted, or where a name not in the original grant or sunnud may be inserted; or where the denomination of the tenure in the original grant or Sunnud may be erased, or altered; or where the date of the grant or sunnud may be changed, or antedated: such grants and sunnuds shall be null and void, as far as may relate to the exemption of lands from the payment of revenue, and the officers of Government shall obtain decrees for the recovery of such lands, together with double costs of suit.

Perfons practiſing ſuch frauds to be criminally profecuted.

XVI. Persons practising frauds for the purpose of holding lands exempt from the payment of revenue, shall be committed, or held to bail, (according to the circumstances of the case) to take their trial for criminal offences before the Provincial Court of Circuit.

How the aſſeſſment of exempted lands, recovered by the officers of Government, ſhall be fixed.

XVII. Where lands, held under imperfect titles, may be recovered by the officers of Government, an assessment of the land revenue shall be fixed in such manner as if they had never been exempted, and shall thenceforward be rated in the Registers of landed property at the full amount of the public revenue so assessed upon them.

All lands exempted from the payment of revenue to be regiſtered.

What the regiſter is to ſpecify.

XVIII. A Register shall be kept in each zillah of the lands held exempt from the payment of revenue, previously to the dates hereinbefore specified; and such Registers shall be corrected and renewed, once in every five years. The Registers shall specify the denomination of each grant or sunnud; the names of the original grantors or grantees; the names of the present possessors, with the relation they bear to the original grantees; the dates of the sunnuds; the names of the villages comprized in the grant, with the extent of land specified in the local land measure; and the names of the Purgunnahs in which the lands may be situated. Such Registers shall be denominated "Registers of lands exempt from the payment of revenue, "under grants not being Badshahie or Royal."

And what it is to be denominated.

All grants for exempted lands to be regiſtered.

XIX. Persons actually holding lands exempt from payment of public revenue, under sunnuds granted previously to the dates hereinbefore specified, shall, whether the sunnuds may or may not have been confirmed by competent authority, register the said particulars regarding their respective sunnuds in the offices of the collectors of zillahs.

Collectors to require the regiſtry of all exempted lands by public notice.

The notice to ſpecify the information required.

XX. Collectors of zillahs shall accordingly cause due notice to be given in all the cutcheries and public places of each zillah by written instruments, requiring persons holding exempted lands to register their respective sunnuds; and the said notices shall specify the particular information required for the purpose of registration.

Period of time allowed for regiſtering ſuch lands, and the conſequence of omiſſion therein.

XXI. Where persons holding exempted lands may refuse, or omit to register their titles, during one whole year from the time of publishing the notice of the collectors, such lands shall be liable to be assessed for the full amount of the public revenue, in the same manner as other lands of the Pergunnah not held exempt under sunnud: but such assessment shall not be fixed by collectors, except by the sanction of the Governor in Council previously obtained for that purpose in writing.

The Regiſters to be duly authenticated, and by whom.

XXII. The Register of exempted lands shall be paged and numbered, and authenticated by collectors of zillahs; the judges of zillahs shall also write on the last page of such Registers the number of pages contained in the book, and shall subscribe the same with their names. The keepers of native records shall prepare and keep counterparts of the said Registers; and copies of such Registers duly authenticated, shall be deposited in the adawlut of each zillah respectively. Sunnuds not entered in the Registers so authenticated, and subscribed, shall not be deemed to be valid in any cause whatever.

Copies thereof to be kept in the adawlut of each zillah.

Sunnuds not entered therein invalid.

Native ſervants, whether public or private, ſurreptitiouſly regiſtering, or cauſing to be regiſtered grants for exempted lands, to be puniſhed by fine and impriſonment.

XXIII. Where natives, being in the public service of a judge, or of a collector, or of an assistant collector, or natives being private servants or dependents of a judge, or of a collector, or of an assistant collector, may receive directly or indirectly, any sum of money or valuable thing in consideration of registering or procuring to be registered, surreptitiously or otherwise, grants for exempted lands, not being lawful grants, such native servants or dependents shall, on due proof before a court of justice, be rendered incapable of any public office in the service of Government; the amount of the money so received shall be forfeited, together with a fine of three times the amount to Government, with the charges of suit; and the offenders shall be

be imprisoned for a period of one whole year. The recovery of money so forfeited, together with the amount of the fines, shall be prosecuted in like manner as arrears of revenue.

A.D. 1814. REGULATION IV.

A REGULATION for preventing the Embezzlement of Public Money, and the withholding of Public Papers by the Native Officers of Government in the British Territories subject to the Presidency of *Bombay*:—Passed by the Governor in Council on the 23d March 1814; corresponding with the 2d Chyter Sood Sumbut, or Vekramajet era, 1870; Sulbahan 1736; and 30th Rubeeul avul 1229, Hejree.

Preamble.

IT being necessary to guard against the loss or inconvenience incidental to the infidelity of native officers employed in the administration of the Public Revenue, the following Rules have been enacted for the purpose of enabling collectors to recover from native officers subject to their authority, all balances of public money they may not have duly accounted for; to obtain possession of public papers they may withhold or conceal, and to procure their attendance for the adjustment of their accounts.

Collectors to take security for the personal appearance of the native officers herein specified.

Condition to which the surety is to be bound.

II. Collectors shall take security for the personal appearance of all native officers entrusted with the receipt or payment of public money, or the charge of public accounts, who now are, or may be hereafter employed under them in their capacity of collectors of the revenue. The surety is to bind himself to produce the officer for whom he may become security, before the collector, whenever his attendance may be required, until he shall be discharged from the public service, and shall have received a writing from the collector, signifying that he has no demand upon such officer on the part of Government, either for money, papers, or accounts belonging to the public that may have been committed to him, or come into his possession in his official capacity. In the event of the surety not producing the officer for whom he has become security, the surety will be answerable for all demands that the collector may have upon the officer for public money, papers or accounts, and be liable to be proceeded against, in every respect, in the same manner as the officer himself, had he been forthcoming. When any public native officer is removed, or resigns, the collector is to grant him an acquittal, after he shall have delivered up all public papers, accounts or money that may have been committed to his charge: Collectors may require new sureties from the native officers employed under them, in cases in which they may have ground to believe that the former sureties, whether admitted by themselves or their predecessors, are insufficient.

Native officers in charge of subordinate cutcheries to find surety in a sum equal to their average monthly receipts.

III. All Native Officers in charge of subordinate cutcheries, shall, in addition to the security for their presence prescribed in the foregoing Section, find surety for their good conduct in a sum equivalent to the average monthly receipts from the resources placed under their controul.

Collectors how to proceed to recover public money or accounts in the possession of native officers.

IV. If a Collector shall have a claim on the part of Government, on any of the native officers, for a balance of accounts or money or papers belonging to Government, he is to require the payment of the money, or the delivery of the papers, by a writing under his official seal and signature, specifying the amount of the money, or the particular papers required, and the date and place that may be fixed for the delivery of the money or papers. If the officer shall not discharge the money, or deliver up the papers by the limited time, the collector is empowered to apprehend him, and convey him to the jail of the Court of Adawlut of the zillah; the judge of which court shall detain him in confinement, until the sum demanded of him shall be discharged, or he shall have delivered up the papers. The collector is authorized, likewise, to attach such part of the real or personal property belonging to the officer, as may be sufficient to make good the sum which may be due from him. If his property shall be in another zillah, he is to apply to the collector of that zillah, who shall cause it to be attached. If the property shall be situated within any other jurisdiction, the collector is to apply to the judge of such jurisdiction to attach and deliver it into the charge of the nearest collector. The Governor in Council is empowered to order the property to be sold, in satisfaction of the public claims. In the event of the death of any such officer, the surety is to be exonerated

from all responsibility, and the collector is to proceed against his heirs, by a regular suit in the court to which they may be amenable, for any claims which Government may have upon the deceased.

Collectors how to proceed where officers abſcond or are not forthcoming.

V. If any such native officer who may have retained public money or papers in his possession, shall abscond, or not be forthcoming, the collector may proceed against the surety upon his engagement, or apprehend the offender and commit him to prison, if he be within the limits of the zillah; or if he shall have taken refuge in any other zillah, and the collector shall deem it necessary to require his personal attendance, that he may proceed against him instead of his surety, the collector is to apply to the judge within whose jurisdiction the officer may be or reside, to cause him to be apprehended. The judge to whom the application may be made, is to convey the officer in safe custody to the jail of the zillah from which he may have absconded.

Collector how to proceed in caſe of the officer abſconding without having adjuſted his accounts, or omitting or refuſing to attend for that purpoſe.

VI. If a collector shall have occasion to require any such officer to attend to adjust his accounts, that the sum due from him may be ascertained, and he shall not attend, upon being required by writing to that effect under the official seal and signature of the collector, to be fixed up in his cutchery, and at the place in the zillah at which the officer may have last resided, the collector is empowered to prepare the most accurate statement that he may be able of the money or papers in the possession of such officer, and proceed against the surety upon his engagement, for the balance or papers, in the same manner as if the accounts had been adjusted, and the list of the papers prepared in the presence of the officer; or he may cause the officer to be apprehended by his own authority, under Section IV, if he be within the limits of the zillah, or if he shall have taken up his abode in any other zillah or jurisdiction, by application to the judge in the manner directed in Section V. If it should afterwards appear, upon enquiry before the court, that no part, or a portion only of the sum demanded was due from him, or that the papers required were not in his possession, the collector shall not be liable to pay any damages for having confined him, and all costs that may be incurred in the suit or enquiry shall be paid by the officer.

Officers or ſureties confined for a demand of money to be releaſed in the caſe herein ſpecified.

VII. If any such officer or his surety shall be confined on account of a claim for public money, and previously to the sale of his property, or supposing the collector not to have been able to get possession of any property belonging to him, at any time subsequent to his confinement, shall deny the justness of the whole, or any part of the demand made upon him by the collector, and find some responsible person who will become security that he will institute a suit in the court, in fifteen days against the collector, to try the demand, and to pay the sum that may be awarded against him with costs, and interest at the rate of twelve per cent. from the date on which the sum may be demanded of him to the date of the Decree, the court is to discharge the officer or surety, and submit the Petition to the Governor in Council, and be guided by his instructions, and if any property belonging to the officer or surety shall have been ordered to be sold, the sale shall be countermanded and the property restored to the owner.

Native officers or their ſureties at liberty to repreſent their caſe for the cognizance of Government whilſt in confinement.

VIII. If any such native officer or his surety shall be committed to custody by the collector, and shall not obtain his release in the mode specified in Section VII, he shall nevertheless be at liberty, whilst in confinement, to transmit his representation for the cognizance of Government, through the judge of the zillah, should he deem the demand upon him unjust.

A. D. 1814. REGULATION V.

A REGULATION for prohibiting the vend of certain Drugs and Substances, except under Licenses to be granted by the Collectors:—Passed by the Governor in Council of *Bombay*, on the 20th of April 1814; corresponding with the 15th Chyter Vud Sumbut, or Vekramajet era, 1870; Salbahan 1736; and the 28th Rubeeoolakhir 1229, Hijry.

Preamble.

THE facility with which poisonous drugs and substances destructive of human life, are at times obtained, particularly in the City of Surat; and the secrecy with which murders may be perpetrated by their agency, rendering it necessary that the vend of such articles should be prohibited, excepting under salutary checks

and controul; The following Regulations have been enacted, to take effect from the date of their promulgation.

II. No person shall be allowed to vend by retail poisonous drugs or deleterious substances, without a License from the Collector, which shall specify the name, cast, and place of abode of the vender. *Restriction on the retail sale of Poisons without a licenſe.*

III. The substances considered to be immediately destructive of human life, and which are prohibited to be retailed under this Regulation without a License, are the following; viz. *The names of the Poiſons ſo prohibited to be ſold.*

MINERAL POISONS:

Antimony,	Cobalt;
- - - - - Glass of;	Lead, burnt,
Crocus;	- - - White,
Arsenic,	- - - Red,
- - - - White,	- - - Sugar of;
- - - - Yellow,	Vitriol, blue;
- - - - Red;	Verdigrise.

VEGETABLE POISONS:

Nux Vomica,
Coculus Indicus Bichhnak "Napellus Moysis."

IV. No licensed persons shall sell any of the articles above specified, excepting to persons whom they well know, and for purposes previously explained to them. *To whom theſe Poiſons are to be ſold by the licenſed Venders.*

V. Licensed venders of these substances, shall make full entries of all their sales in a book which they shall preserve for that purpose, which shall specify the name, cast, and place of abode of the person purchasing the articles, and the date of sale. *Entries of the ſale, with all particulars, to be made in their books.*

VI The Book of Sales shall be produced whenever called for by the magistrate, and it shall be open for inspection at all times to such of the officers of the court as the magistrate may order to examine the same. *To be inſpected by the magiſtrates department, when required.*

VII Every License shall specify the standard quantity of each drug which, shall determine a retail traffic. Previously to its being delivered to the person applying for it, it shall be registered in the collectors office, for which a fee shall be paid of 5 Rupees, to be carried to the public account. *The quantity of each drug to be ſpecified in the Licenſe. A fee to be collected on iſſuing licenſes.*

VIII. The Licenses shall be renewed annually, on payment of the same fee. *Licenſes to be annually renewed.*

IX. Persons selling any of the articles enumerated in Section III, without a License, and all offences against this Regulation, shall be punished by fine or imprisonment, at the discretion of the magistrate; subject to the restrictions of Section VII and VIII, Regulation III, A. D. 1800. *Unlicenſed venders to be puniſhed, and how.*

X. Nothing herein contained shall be understood to prevent the regular Vyds or Hakeems from administering drugs as medicines in the course of their professional practice. *Regular Vyds or Kakeems permitted to ſell Poiſons.*

A. D. 1814. REGULATION VI.

A REGULATION for authorizing the Confiscation and Sale of Goods, Wares, or Merchandize, which may be forfeited by a breach of the Regulations of the Government; and for rendering Goods illicitly shipped at *Madras* or *Calcutta*, or at any Port within the jurisdiction of those Presidencies respectively, liable to Seizure and Confiscation if imported into *Bombay*, or any of the Ports subordinate thereto:—Passed by the Governor in Council on the 4th of May 1814; corresponding with the 15th of Vysacsood Sumbut, or Vekramajet era, 1870; Salbahan 1736; and 13th of Jumady ool avul 1229, Hejry.

WHEREAS it is necessary that Rules should be prescribed for the guidance of the Revenue Officers in the confiscation of goods and merchandize, which may be imported into Bombay or any of the ports subordinate thereto, in violation of the Regulations now established, or which may hereafter be established, for the security *Preamble.*

security of the Honourable Company's Revenues: And whereas it is expedient that the Revenue Officers should also be empowered to confiscate goods and merchadize, which may be imported at the Port of Bombay or any of the places subordinate thereto, from any port or place within the Precidencies of Calcutta and Madras respectively, without conforming to the Regulations of the Precidency to which the port of shipment shall belong; The following Rules have been accordingly enacted.

All seizures of goods, wares and merchandize in pursuance of any Revenue Regulation, to be proceeded on, heard, examined and determined in a summary way before the custom masters or deputies, and to be condemned and sold by them.

II. Where any goods, wares, or merchandize shall be seized as forfeited, by virtue or in pursuance of any Regulation respecting the revenues under the management of the Governor in Council of Bombay, by any of the officers of the said revenues, all such seizures shall be proceeded on, heard, examined and determined in a summary way before the custom master of Bombay, or his deputy for the time being, or before the custom master of any other port or place within the Presidency of Bombay, where such seizure may have been made, or near to the place where such seizure may have been made, or his deputy for the time being; which said custom master, and deputy custom master respectively, within their respective jurisdictions, shall be and are hereby authorized and empowered to cause the respective person or persons in whose custody such goods, wares, or merchandize so seized as aforesaid were found at the time of the seizure thereof, to be summoned to appear before them, at their respective offices, and upon the appearance or default of such person or persons so to be summoned, to examine into the case of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such goods, wares, and merchandizes as upon due examination shall be found to be forfeited by virtue of any Regulation relating to the said revenues under the management of the said Governor and Council of Bombay, and to make an order for the sale of such goods, wares and merchandizes as shall be so by them respectively condemned.

Goods, &c. imported from any port within the Presidencies of Bengal and Madras without a certificate of the payment of the regular duties leviable at the port of shipment, to be forfeited.

III. All goods, wares, and merchandizes imported or brought into any port or place within the Presidency of Bombay from any port or place within the Presidencies of Calcutta and Madras respectively, shall be forfeited, unless the person or persons in whose custody such goods, wares, or merchandizes be found, shall produce to the custom master of the port or place where such goods, wares, or merchandizes shall be found, or his deputy for the time being, a Certificate from the custom master at the port of shipment, or his deputy for the time being, that all customs, export duties and charges whatsoever, which the Revenue Regulations of the Presidency to which the said port of shipment shall belong, require to be paid at the said port of shipment, have been paid to the said custom master or his deputy for the time being.

Appeal against the forfeiture to lie to the Sudder Adawlut at Bombay, or zillah judges at subordinate stations.

IV. A Petition of Appeal descriptive of all the circumstances of the case, and confirmed on oath, shall lie to the Sudder Adawlut, by parties conceiving themselves aggrieved by the operation of this Regulation, at the Presidency, Bancoote, Caranja or at Malwan, or at any other port where there may be no Court of Adawlut; and to the zillah judge at the other stations subordinate to Bombay where Courts of Adawlut may be established.

The decision of the Sudder Adawlut and zillah judges to be final.

V. The decision of the Sudder Adawlut or of the zillah judge shall be final.

Goods confiscated to be sold on account of the Company.

VI. On goods, wares, or merchandize being adjudged to be finally confiscated, the custom master will proceed to dispose of the same by public auction on account of the Company.

A. D. 1814. REGULATION VII.

A REGULATION for facilitating the progress of detachments of Troops through the Company's Territories; for affording any requisite assistance to persons travelling through the Territories; and for the guidance of the Civil Officers in applying for Military Guards:—Passed by the Govenor in Council of *Bombay* on the 17th of August 1814; corresponding with the 2d (First) Bhaderpud sood Sumbut, or Vekramajit era 1870; Salbahan 1736 and 1st Ramzan 1229, Hijry.

Preamble.

WHEREAS it is expedient to enact into a Regulation, for general information and observance, the rules for facilitating the progress of military detachments through the

the Company's provinces; for ascertaining and defraying any necessary expense incurred for that purpose, and for providing a compensation, when any material damage may be sustained in the cultivation of the country, from the march or encampment of troops. Whereas it is also judged proper to command the local officers of police to afford such reasonable assistance as may be required by travellers (whether European or Native) proceeding through their respective jurisdictions in procuring the means of prosecuting their journies: And whereas it is farther necessary to establish rules prohibiting, with certain exceptions, the use of the uniform of the Company's native troops; the sending of Sepoys or Lascars into Villages, for the purpose of procuring provisions; or of pressing coolies, cartmen, bullockmen, boatmen, or others, and the employing of badged peons or other public servants wearing badges: And whereas it is likewise necessary that fixed and defined Rules should be established for the guidance of the magistrates and other civil officers in applying for detachments, guards or escorts for the Public Service, from the regular battalions: And whereas it is moreover necessary that this as well as other Regulations should be duly promulgated; The following Rules have been enacted, to be in force throughout the whole of the Provinces subject to the immediate Government of Bombay, from the date of their promulgation.

Timely notice to be given to collectors and magistrates, by officers commanding detachment, proceeding throughout any part of the company's territories.

II. Whenever a detachment of troops, or a single corps, shall be ordered to proceed through any part of these territories, the commanding officer of such detachment or corps is required to give the earliest practicable notice to the collectors of the revenue of the zillahs through which the troops are to pass, of the probable times of their arrival within the district, and the particular places where supplies may be required, together with a specification of the supplies which will be wanted —The commanding officer shall likewise notify to the collectors, the probable period of the arrival of the troops at any rivers or nullahs intersecting their march, where boats or temporary bridges may be necessary for crossing the troops and the baggage attached to them.—The commanding officer shall at the same time communicate to the magistrates of the zillahs through which the troops are to pass, the probable time of the arrival of the troops within their respective jurisdictions.

In what manner the collector shall proceed, on receiving the above notice.

III. *First.*—On receiving the notification mentioned in the foregoing Section, the collectors shall immediately issue the necessary orders to the landholders, farmers, tuhseeldars, or other persons in charge of the lands through which the troops are to pass, for providing the supplies required, and for making any requisite preparations of boats or temporary bridges, or otherwise, for enabling the troops to cross such rivers or nullahs, as may intersect their march, without any impediment or delay.—The collector shall at the same time depute a creditable native officer to accompany the troops through his jurisdiction, for the purpose of aiding in procuring the necessary supplies, and of facilitating the march of the troops.—It shall be the duty of such native officer to provide the troops with whatever bearers, coolies, boatmen, carts and bullocks, may be indispensable necessary to enable the troops to prosecute their route. —Should he experience any difficulty in the performance of his duty, he is at liberty to apply for assistance to the nearest police officer, who is directed to afford his aid in providing the number of persons, and of carts and bullocks required.

At what rates supplies furnished to troops marching through the Company's territories, shall be paid for.

Commanding officers to make immediate enquiry into complaints preferred to them against persons under their command.

Second. The supplies furnished under the foregoing Clause (including earthen pots, firewood and every article of supply) shall be paid for by the persons receiving the same, at the current Bazar prices of the place at which they may be provided; and all officers commanding detachments of troops marching through any part of the Company's Territories, are strictly enjoined to make immediate enquiry into any complaints which may be preferred to them by the persons furnishing such supplies or in their behalf, against any person or persons under their command, and to afford such redress to the complainants as the nature of the case may appear to require.

Certificate to be granted by the commandingofficer, when troops shall be provided with boats, bridges or other accommodations under this Regulation, to enable them to prosecute their route.

IV. *First.*—Whenever a detachment of troops, or a single corps, shall be provided with boats, temporary bridges, or other accommodations, by any landholder, farmer, tuhseeldar or other person, for the purpose of crossing the troops and their baggage over rivers or nullahs conformably to the orders of the collector of the zillah, the commanding officer of such detachment or corps shall grant a certificate to the person furnishing the same, specifying the number of boats and persons employed on the Public Service.—In instances in which temporary bridges or rafts may be constructed for the above purpose, the Certificate to be granted by the commanding officer is to

specify generally, the dimensions of the bridges or rafts, and the materials of which they may be composed.

Such Certificate to be tranſmitted to the collector by the perſon receiving it, with a detailed account of the expenſe incurred.

Second.—The Certificate mentioned in the foregoing Clause, shall be immediately transmitted to the collector of the zillah, by the person receiving it, accompanied by a detailed account of the expense incurred for the purposes therein specified. The collector shall, without delay, communicate the particulars of the account to the officer commanding the detachment, or corps, on whose account the expense may have been incurred, who shall certify generally thereon, whether the services charged for in it were performed, or shall state such exceptions as he may have to offer to any of the charges.

The account to be tranſmitted by the collector, or to the commanding officer.

What to be certified thereon by the commanding officer.

The account and vouchers to be tranſmitted by the collector with his report on the charges, through the preſcribed channel to the Governor in Council.

Third.—When the account above mentioned shall be returned to the collector, he shall certify, whether the sums and rates charged are in his opinion reasonable, and conformable to the usual rates of labour and hire in the zillah; and shall transmit the account, with the vouchers and certificates relating to it, with any requisite observations thereupon, through the prescribed channel to the Governor in Council. After the account shall have undergone the examination and report prescribed for all military contingent charges, the Governor in Council will pass such final order as may appear proper.—In the mean time the collector is empowered, in such cases, to pay the amount of the charge, or such proportion of it as he may consider reasonable, to the landholder, farmer, or other person entitled thereto; inserting the amount so disbursed at the foot of his treasury account, in explanation of his treasury balance, in the mode prescribed for similar cases.

In the mean time the collector is empowered to pay ſuch proportion of the charge as he may conſider reaſonable, inſerting the amount at the foot of his treaſury account.

V. *First.*—Whenever a proprietor, farmer, tenant, or manager of land, through which any detachment or corps of His Majesty's or of the Company's troops may march, or on which they may be encamped, shall consider himself entitled to compensation for any injury sustained from the march or encampment of the troops, he shall immediately furnish the commanding officer of such troops with as accurate a statement as can be prepared, of the nature and extent of the injury sustained; when the commanding officer is require to certify generally thereon, whether or not the damage represented to have been sustained, has been actually committed, together with his opinion respecting the justice and extent of the claim.

In what manner landholders and other perſons farming or holding land are to proceed, who ſhall have ſuſtained any injury from the march or encampment of troops.

Certificate to be granted by the commanding officer on ſuch occaſions.

Second.—If the proprietor, farmer, tenant, or manager, after receiving such Certificate, shall consider himself entitled to compensation, he will be at liberty to present the statement of his claim, with the officer's Certificate thereon, to the collector of the zillah, (either in person or by his vakeel) within ten days from the date of the Certificate; but no claim of this description shall be received by the collector after the expiration of that period, unless the person preferring it, shall assign good and satisfactory reasons for the delay.

The perſon receiving ſuch Certificate is at liberty to preſent the ſame, with a ſtatement of his claim, to the collector within ten days from the date of the Certificate.

Exception to the foregoing rule.

Third.—The collector on receiving a statement of damage, and the commanding officer's statement thereon, within the prescribed period, or afterwards, if sufficient reason be assigned for the delay, shall forthwith adopt such measures as may appear requisite to ascertain whether or not the claim be well founded, and shall report his proceedings to the Governor in Council, accompanied by his opinion on the merits of the claim, for the consideration and orders of Government. It is, however, declared that no claim will be received unless accompanied by the prescribed Certificate of the commanding officer of the troops by whom the damage may be stated to have been committed; excepting instances in which the claimant can shew good and sufficient cause for not having obtained such Certificate.—In such cases, if the collector be satisfied with the cause assigned by the claimant, for not having obtained the prescribed Certificate, he shall transmit the petition and statement of the claimant to the officer commanding the troops by whom the damage may be stated to have been committed, and shall wait his reply thereto, previously to determining whether or not the claim be entitled to investigation.

Rule for the conduct of the collector on receiving ſuch ſtatement or certificate.

To report his proceedings to the Government.

With the exception ſpecified in this clauſe, no claim will be received unleſs accompanied by the preſcribed Certificate of the commanding officer.

VI. Immediately on receiving the notification mentioned in Section II, the magistrate shall transmit orders to the several police darogahs, or other local officers of the police on the route of the troops, to afford every assistance in their power to facilitate the march of the troops through their respective jurisdictions, and to cooperate, as far as necessary, with the person deputed on the part of the collector, in procuring the requisite supplies; as well as in adjusting any disputes which may arise respecting the prices of the articles furnished, and in preventing any alarm to the inhabitants of the country.

In what manner the magiſtrates are to act on receiving the Notice mentioned in Section II.

In what manner police officers are to aſſiſt in facilitating the march of troops.

VII. Officers

What report to be made to the commander in chief, by officers commanding troops on their march through the Company's territotories.

VII. Officers commanding detachments of troops, or single corps, on their march through any part of the Company's territories, are required to report to the commander in chief, in what manner the troops have been supplied, in passing through the districts in their route.—In like manner the collectors and magistrates are directed to report to the Governor in Council, any complaints which may be made to them of the misbehaviour of the troops, whenever such complaints shall appear to be well founded, and of sufficient importance to require communication to Government.

In certain cases any misbehaviour of the troops to be reported by the collectors and magistrates to the Governor in Council.

Police officers are empowered, in cases of necessity, to assist travellers in prosecuting their route.

VIII. Whenever any military officer, not commanding, nor proceeding with a corps, or detachment of troops, or any other person (whether European or Native) not restricted by Government from passing through the country, may be proceeding within any part of the Company's provinces, either on the Public Service, or on his private business, and shall be in need of assistance during his route, to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local officer of police to aid him in providing any requisite bearers, coolies, boatmen, carts, or bullocks, or any necessary supplies of provisions, or other articles.—On receiving an application of the above nature, the police officer to whom it may be made, shall furnish the aid required, or cause it to be furnished by the proper person or persons; provided that a sufficient number of persons who have been accustomed to act as bearers, coolies, or boatmen, or the requisite number of carts and bullocks, not exclusively appropriated to the purposes of agriculture, and occasionally let for hire, can be procured within his jurisdiction.—But all police officers are strictly forbidden, under pain of dismission from office (under the Rules prescribed by Regulation IV, 1800,) on applications of the above nature, to compel any persons, not accustomed to act as bearers, coolies, or boatmen, to serve on such occasions, or to furnish a traveller, or cause him to be furnished, with bullocks or carts kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture.—Persons so employed, and the persons in charge of carts and bullocks so provided, shall be at liberty to return from the first police station in the next zillah through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons. The police officers are further enjoined to be careful that a proper compensation for the bearers, coolies, boatmen, carts or bullocks employed, and a just price for the provisions or other articles provided, be secured to the persons entitled thereto; for which purpose the police officers are authorized to adjust the rate of hire to be paid for the bearers, boatmen, carts or bullocks required, and the price of any articles provided. Should any traveller refuse to comply with the adjustment so made by a police officer, he will not be entitled to any assistance from the officers of Government under this Regulation.

In what manner such assistance shall be afforded.

Persons, and carts and bullocks of a certain description not to be employed in furnishing such assistance.

Penalty for a breach of the above rule.

Persons employed under this Section to be at liberty to return from the first police station in the next zillah, unless they may have engaged to the contrary.

On what conditions assistance will be afforded to travellers.

Prohibition against private servants appearing dressed like Sepoys and Lascars, with certain exceptions.

IX. *First.*—All persons, whether European or Native, within the Company's provinces (excepting such privileged persons as the Government may specially exempt from the operation of the Rule contained in this Section) are positively forbidden to dress any of their servants, either for the purpose of parade or of business, in the uniform of the Company's Sepoys and Lascars, or in a dress so nearly approaching to that uniform, as to enable the persons wearing it, to impose themselves on the country people for Sepoys and Lascars.

The above rule extended to all natives, with certain exceptions.

Second. All natives, excepting those actually in the military service of the Company, or belonging to persons specially exempted by Government from the operation of this Rule, are forbidden to wear a dress similar to that mentioned in the foregoing Clause.

Officers of every description not to clothe their public servants with a military dress.

Third. Officers of every description, employed in the service of the Company, who are allowed establishments of peons, in their official capacity, or who may have occasion to employ persons of that description in such capacity, are prohibited from clothing them with a military dress.

What officers are employed to deprive of a military dress any person who shall wear it in opposition to these orders.

Police officers to apprehend and send to the magistrate persons of the above description.

Fourth.—With the view of giving full effect to the orders contained in the preceding clauses, the military commanding officers of stations, and of detachment in the interior parts of the country, and the several zillah magistrates are hereby authorized and required to deprive of a military dress any person who shall wear it contrary to these orders. The local officers of police are also empowered and directed to apprehend all persons of the above description, and to send them to the magistrate, who will deal with them in the manner above prescribed.

All persons to whom escorts may be allowed, are forbidden to send Sepoys or

Fifth. Military officers, or other persons, to whom escorts may be allowed, when travelling through the country, are forbidden to send Sepoys or Lascars into the villages,

Laſcars into the villages to procure proviſions or to preſs bearers, coolies, or boatmen.

villages, for the purpose of procuring any sort of provision, or of pressing bearers, coolies or boatmen.—Every local officer of police, upon proper application, will, under Section VIII of this Regulation, grant such assistance as he may be able to afford; and all violent measures, therefore, will be considered equally illegal and unnecessary.

No perſon, excepting the public officers of Government, to diſtinguiſh his ſervants with badges.

Sixth. No person shall be allowed to distinguish his peons, or other servants, with badges, except the public officers (civil or military) employed in the service of the Company, who are allowed establishments of peons in their official capacity, or who may have occasion to employ persons of that description in the Public Service. The several zillah magistrates are empowered and directed to apprehend any person (not being in the service of a public officer of the Government, authorized to entertain such servants) who shall wear a badge, in opposition to the prohibition contained in this Clause, and to deprive him of the badge. The local Officers of Police are also authorized and directed to apprehend persons of the above description, and to send them to the magistrate, by whom the offender will be dealt with as above directed. Any European, not being a public officer of the Government, to whom such description of public servants is allowed, employing badged peons, or other descriptions of servants, wearing badges contrary to this prohibition, will be liable to the severe displeasure of Government, on representation of the circumstances of the case by the magistrate, who is directed to report all such instances for the information and orders of the Governor in Council.

The magiſtrates to apprehend and deprive perſons of their badges, who ſhall wear badges contrary to the above prohibition.

The police officers to apprehend perſons of the above deſcription and ſend them to the magiſtrate.

The magiſtrates to report to Government every inſtance of any European, not a public officer, employing ſervants with badges.

Applications to be made in writing by magiſtrates requiring detachments, ſtating the ſervice to be performed; and military officers to determine the force requiſite for ſuch ſervice.

X. *First.*—Whenever the magistrates may require detachments of troops from the regular battalions, for the apprehension of public offenders, or for the maintenance of the peace in their respective districts, they shall state in writing, as fully and circumstantially as may be practicable, the nature of the service required to be performed, to the officer commanding the division, leaving it to him, on a consideration of the circumstances stated, to judge of the strength of the force which should be employed in the execution of the duty in question.—In cases, however, of emergency, the magistrates are at liberty to apply for aid to the officer commanding the nearest Military Post, informing the officer commanding the division of such application.

Civil magiſtrates reſponſible for calling in the aid of the military in caſes of emergency, and military officers not to exerciſe any diſcretion in granting or withholding ſuch aid.

Report to be made to Government by the magiſtrates.

Second.—The power vested in the several magistrates by the foregoing Rule, being founded upon the nature and exigence of the case, which may frequently require promptitude and decision, and will seldom admit of a reference to Government, it shall be the duty of officers commanding divisions, corps or detachments, immediately to furnish the necessary military aid, whenever applications may be regularly and publicly made to them by the magistrates for troops for the maintenance of the peace, or for the support of the general police of the Country. By those means the responsibility of calling in the aid of the Military, will rest with the Civil Magistrates, and the allotment of the force will depend upon the officers commanding troops; who are not, however, on occasions of this nature, to exercise any discretion in granting or withholding the required aid.—But as it is at the same time. essential to restrict the employment of military force to cases of absolute necessity, the magistrates are hereby enjoined to confine their requisitions for military force to cases of that description, and to report to Government, whenever they may apply for military aid, under the rule contained in this Section; at the same time furnishing the Governor in Council with the necessary information respecting the circumstances upon which the application for such aid may have been grounded.

Military officers to report their compliance with ſuch applications to the commander in chief.

Third.—The officers commanding troops, by whom such detachments may be furnished in pursuance of the applications of the magistrates, shall immediately transmit the necessary reports thereof to the commander in chief.

Rules for ſupplying the permanent guards required by the ſeveral civil officers.

XI. *First.*—The permanent guards required by the magistrates, by the collectors of the lands revenue and customs, by the commercial residents, and by any other public officers authorized to require such guards for the protection of the public treasuries, stores and other property, shall be in future furnished from the regular battalions or companies of Invalids, or provincial battalions. The civil officers requiring guards, shall accordingly state fully and circumstantially the nature of the service necessary to be performed, to the officer commanding the division. On the receipt of such information, the commanding officer of the division shall issue immediate orders for furnishing guards of such strength as he may deem necessary; provided that no public objection shall occur to a compliance with the application,

application, and that he shall be satisfied, that the civil officer, from whom the application may have been received, was entitled to make it, by the general rules and usages of the Service. But as the same necessity does not exist for vesting magistrates and other public officers, in cases of this nature, with the extensive power entrusted to the magistrates by Section X of the present Regulation, the officer commanding the division shall be at liberty, in case he shall deem it necessary or proper on any public grounds, to suspend compliance with the application, and to refer the case to the commander in chief, who will forward the representation to Government for its decision, or pass such orders on the subject as may appear to him to be proper. With the view likewise of preventing abuse of the powers vested in the civil officers, in applying for guards from the regular battalions, the magistrates and other officers in the judicial department shall, on the receipt of the present Regulation, transmit to the Governor in Council, a Statement of the permanent guards employed or required by them, for his consideration and orders.

Second. When the permanent guards required by the different officers in the civil department of the service, shall have been fixed under the rule contained in the preceding Section, no augmentation shall be made in the number or strength of such guards, without the express sanction of the Governor in Council.

Permanent guards not to be encreaſed without the previous ſanction of Government.

XII. The temporary escorts which may in future be required by the magistrates, by the collectors of the land revenue and customs, by the commercial residents, and by any other public officers authorized to require military aid, for the remittance of treasure, of stores, or of other public property, or for other purposes connected with their respective official situations, are in future to be furnished from the regular battalions, or companies of Invalids, or any provincial battalion. The civil officer requiring any such escorts, is accordingly to state fully and circumstantially the nature of the service necessary to be performed, to the officer commanding the division in which the corps may be stationed, from which the required escort is to be furnished.—On receipt of such information, the officer commanding the division, shall furnish an escort of such strength as he may deem necessary for the performance of the duty in question; provided that no substantial public objection shall occur to a compliance with the application, and that he shall be satisfied that the civil officer, from whom the application may have been received, was entitled to make it by the general rules and usages of the Service: but if not, the officer commanding the division shall be at liberty to suspend compliance with the application, and refer the case to the commander in chief, who will forward the representation to Government for its decision, or pass such orders on the subject as may appear to be proper.

Rules for ſupplying civil officers with temporary eſcorts.

XIII. It shall be the duty of the magistrates and other officers in the judicial department, to transmit to Government, on the first of each month, a Statement of the guards, detachments, and escorts employed by them in the preceding month. The collectors, commercial residents, and other officers in the revenue and commercial departments shall in like manner transmit to Government, on the first of each month, a Statement of the guards, detachments and escorts employed by those officers respectively in the preceding month.

Civil officers in the judicial, revenue, and commercial departments, to ſend monthly ſtatements of guards, detachments & eſcorts employed by them to government, and the boards of revenue & trade reſpectively.

XIV. The foregoing Rules are not to be considered applicable to the Presidency station. Whenever guards, detachments, or escorts may be required by the magistrates of Bombay, or by any other of the civil officers, for the discharge of any public duty connected with their respective official situations, they are to make the necessary application for that purpose, agreeably to former usage, to the Governor and Council, through the channel prescribed for conducting the public correspondence.

The foregoing Rules not applicable to the Preſidency ſtation; applications for guards, &c. in Bombay how to be made.

XV. On receiving translations in the country languages, of the present Regulation, the magistrates of the several zillahs shall transmit copies to the local officers of police, and the collectors shall furnish copies to the principal landholders, farmers, tuhseeldars, and managers of estates, within their respective jurisdictions, with directions to publish and exhibit the same in their cutcherries for general information.

Meaſures to be adopted by the magiſtrate & collectors for promulgating this Regulation.

XVI. On receipt of translations of the Regulations in the country languages, the zillah judges and magistrates shall cause the same to be publicly read in their cutcherries; and shall require the native pleaders of their respective courts to take copies of the translations of any Regulations which relate directly or indirectly to the administration of civil justice, and direct the cauzees stationed in the several

Rules to be obſerved by the judges & magiſtrates for the purpoſe of promulgating this Regulation.

towns and Purgunnahs within their respective jurisdictions, to read and publish the same for general information, at the cutcherries of the native commissioners, empowered to act as munsiffs, and of the police darogahs, or tuhseeldars in charge of the police.

A.D. 1814. REGULATION VIII.

A REGULATION for removing the existing Restrictions to the export of Salt Petre:—Passed by the Governor and Council on the 7th of September 1814; corresponding with the 8th of Bhaderpud Vud Sumbut, or Vekramajet era 1870; Salbahan 1736; and 22d Ramzan 1229, Hijree.

Preamble.

WHEREAS it has been deemed expedient, in consequence of the provisions contained in an Act of Parliament passed in the 53d year of the reign of His present Majesty, intituled, "An Act for continuing in the East India Company, for a further "term, the possession of the British Territories in India, together with certain exclusive "privileges; for establishing further Regulations for the government of the said Terri-"tories, and the better administration of Justice within the same; and for regulating "the Trade to and from the places within the limits of the said Company's Charter," to remove the prohibition existing at this Presidency to the export of salt petre; The following Rule has been passed, to be in force from the date of its promulgation.

The order of prohibition repealed, under a reservation in regard to foreign ships.

II. The authority under which the custom master has prohibited the export of salt petre under this Presidency shall be and is hereby repealed; Government, however reserves to itself the privilege of prohibiting the export of salt petre on foreign vessels whenever it may think proper.

Not to be exported however to China, nor to any port or place out of the United Kingdom.

III. The authority granted to British subjects to export salt petre to Europe, is not intended to vest them with the privilege of exporting that article to China, or to any other port or place out of the United Kingdom of Great Britain, whether belonging to the British nation or to any other state.

Exports and imports in foreign bottoms to pay double duties.

IV. In order to prevent misconstruction of the effect of the present Regulation, the officers in the department of customs are hereby required to observe, that the provisions contained in Regulation X, 1813, by which the trade of foreigners is subject to double duties, are applicable to the article of salt petre in common with other commodities.

A.D. 1814. REGULATION IX.

A REGULATION to define the Punishment to which Persons convicted of two or more Offences, shall in certain cases be subject:—Passed by the Governor in Council on the 7th September 1814; corresponding with the 8th of Bhaderpud Vud Sumbut, or Vekramajet era 1870; Salbahan 1736; and 22d Ramzan 1229, Hijree.

Preamble.

WHEREAS it is requisite to define the punishment to be adjudged on conviction of certain crimes, in cases in which the same prisoner may be convicted, on separate charges and commitments, of two or more offences, the penalties of which, in the aggregate, may include a period of imprisonment exceeding the term of fourteen years; The following Rules have been enacted, to be in force from the promulgation of them throughout the territories immediately dependant on the Presidency of Bombay.

Discretion vested in the courts of circuit, to reduce the prescribed penalties in cases of conviction of two or more distinct offences when the aggregate punishment may exceed 30 stripes with a corah, and imprisonment for 14 years; and the prisoner may not be liable, on any one of the charges establish-

II. *First.*—Whenever a prisoner may be brought to trial before a court of circuit, for two or more distinct offences, included in separate commitments, and may be convicted, at the same session, of two or more offences, the prescribed penalties of which, under the Regulations in force, may exceed in the aggregate thirty-nine stripes with a corah, and imprisonment for fourteen years, but may not, for the crime established against the prisoner on any one commitment, amount to death, or imprisonment for life, (in which case the trial would be referrable to the superior tribunal); the judge of circuit is authorized to reduce the prescribed punishments for the whole of the offences of which the prisoner may be so convicted, at the same session, so as not to exceed in the aggregate thirty-nine stripes with a corah, and imprisonment, in banishment from the district, for a term of fourteen years;

provided

provided he shall be of opinion, on consideration of the several acts of criminality established against the prisoner, and the circumstances of each case, that the punishment above specified is sufficient. If the judge of circuit, however, should be of opinion that the prisoner is deserving of imprisonment for a longer period than fourteen years, he shall pass sentence, in the several cases, for the punishment prescribed by the Regulations (except that the number of stripes to be adjudged against a prisoner, at any one session of a court of circuit, shall not exceed thirty-nine), and shall transmit the proceedings on each case, with a report of the circumstances, and his sentiments on the punishment which should be inflicted upon the prisoner, for the final sentence or order of the superior tribunal.

ed against him, to a sentence of death or imprisonment for life.

Provision if the prisoner appear to be deserving of imprisonment for a longer term than 14 years.

The judge of circuit to pass sentence in such case for the punishment prescribed by the Regulations,

stripes excepted, which shall never exceed 39 at any one sessions; and to transmit the proceedings on each trial for the final sentence of the superior tribunal,

Second.—The principle of the above clause shall be also considered applicable to cases in which prisoners convicted and sentenced at a preceding session of a court of circuit, may be convicted at a subsequent session, of another offence committed before their first conviction and sentence. But it is not meant to apply to any new offence committed by a person, after his conviction of a former offence, whether the period of confinement to which he may have been sentenced for his former offence shall have expired at the time of his committing the subsequent offence or otherwise.

The principle of the preceding clause, applicable to cases wherein the prisoner convicted and punished at a former session, may be brought to trial and convicted at a subsequent session of an-

other offence committed anterior to the first sentence; but not to any new offence committed by the prisoner subsequent to his conviction of a former offence.

Third. When a prisoner, committed or held to bail, for trial before a court of circuit, on two or more distinct charges, may be liable, on one or more convictions, to a sentence of imprisonment for fourteen years; and the further charge or charges against the prisoner may not be such as would, on conviction, subject him to a sentence of death or imprisonment for life, it shall not be requisite for the judge of circuit to try such additional charge or charges; unless there shall appear to be special and sufficient cause for trying the same: Provided, that whenever a judge of circuit may exercise the discretion thus vested in him, he shall report the same, with his reasons, to the superior tribunal, in the statement transmittable to that court, of sentences passed by the court of circuit; or if the trial held upon the prisoner be on any account referrable to the superior tribunal, in the letter accompanying such trial; and it shall be competent to the superior tribunal to order a further trial of the remaining charge or charges against the prisoner, in all cases wherein that court may judge it proper so to direct.

If a prisoner be liable on one or more convictions before a court of circuit, to a sentence of 14 years imprisonment, the judge may dispense with the trial of any other charges against the same prisoner, provided a conviction of such additional charges would not subject the prisoner to a sentence of death or perpetual imprisonment.

The judge of circuit to report all instances wherein he may

exercise this discretion to the superior tribunal; who are competent to direct that the prisoner shall be brought to trial on the remaining charge or charges.

A. D. 1814. REGULATION X.

A REGULATION for establishing an Office for keeping the Records in the Native Languages which relate to the Public Revenues:—Passed by the Governor in Council on the 21st September 1814; corresponding with the 8th of second Bhaderpud Sood, Sumbut, or Vekramajet era 1870; Salbahan 1736; and 6th Shaval 1229, Hijree.

I. IT being essential to the future security of the dues of Government, and of the rights and property of individuals, that all papers and accounts regarding their assessment, the allotment of the revenue on shares of estates that may be divided, as well as all other documents, in any respect relating to the public demands upon lands, should be carefully preserved; and the Right honourable the Governor in Council deeming it reasonable, that the individuals, whose rights and property may derive additional security from this institution should contribute towards defraying the expense attending it; The following Rules have been accordingly enacted.

Preamble.

II. An Office shall be established in each zillah for keeping all records and papers in the native languages, which may in any way relate to the Public Revenue.

An office for keeping records in the country languages to be established in each zillah.

III. The Office shall be superintended by two natives, who shall form a part of the Establishment to the collector, and shall be styled, "Keepers of the Revenue Records in the Native Languages:" they shall be appointed by the Right honourable the Governor in Council, and shall not be removable but for misconduct proved to his satisfaction.—The office however is declared not to be hereditary.

Denomination and nature of the office

IV. The

Rules for the guidance of the record keepers prescribed.

IV. The keepers of the records are to keep a Register in the Guzerattee language and in the Mharatta language, of all accounts, documents and papers in any respect relating to the public revenue, in a book or books, which shall be paged, and each leaf of which shall be attested by the judge of the Court of Adawlut of the zillah; and who shall insert in his own hand writing, on the last leaf of each book he may so attest, the number of pages contained in it. The accounts and papers now deposited in the several zillahs are to be first entered in the Register, and the keepers of the records are to prepare a list of them for that purpose, immediately upon the receipt of this Regulation.

Ditto ditto.

V. The keepers of the records are to be careful that the accounts and other records are not destroyed by insects, damp or otherwise; and that they are not removed from the office of the collector without his express orders.

Liable to dismission.

VI. If any papers entered in the Register shall be destroyed in consequence of the neglect, or any omission of the keeper of the records, or if any such record or papers shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their offices.

The keepers to attend to such rules as may be prescribed to them.

VII. The keepers of the records are enjoined to attend to all rules and orders respecting the duties of their office which may be prescribed to them by any Regulation published by order of Government, and also to any directions respecting the better keeping, preserving or registering the accounts and other records of the zillah, which may be issued to them by the Collector, under whose superintendence they are to perform the duties of their office.

Fees to be levied by the collector on the registry of certain papers.

VIII. *First.*—Fees at the following rates shall be levied by the collectors of the revenue, on the registry of any division or union of an estate or estates, or of lands held exempt from the payment of revenue.

Second. On any division of an estate, or union of estates, paying revenue to Government, that may take place under the prescribed Regulations, at the rate of one quarter or four annas per cent. on the annual jumma or revenue payable to Government from the property included in the union or division.

Third. On any division of lands exempt from the payment of revenue, or any union of such lands, forming originally part of the same grant made by the proprietor or proprietors of the grant, at the rate of $2\frac{1}{2}$ per cent. on the amountof the annual produce of the property included in the union or division.

Rates of fees.

IX. *First.*—Fees, at the following rates, shall be levied by the collectors on the registry of any transfer of the whole or the part of an estate or estates, or lands held exempt from the payment of revenue, by deed of sale, of gift or otherwise.

Second. If the estate shall be subject to the payment of Revenue to Government, one quarter or four annas per cent. on the annual jumma or revenue payable to Government from the property transferred.

Definition of the term of annual jumma.

X. Throughout this Regulation, by the annual jumma payable to Government, is to be understood, the amount of the revenue payable to Government for the years in which the division, union or transfer may be registered, according to the engagements of the farmers, if the lands be farmed; or the estimated receipts, if no settlement of the lands shall have been concluded on the part of Government, either with the proprietors or with farmers; and by the annual produce of lands held exempt from the payment of Revenue, is to be understood, the amount of the rents received and receivable by the proprietor, or the possessor of the lands on account of the year preceding the year in which the division, union, or transfer may be resistered; and the possessor of such accounts shall be bound to produce them on a written requisition from the collector, and shall be subject for non-compliance therewith, to the same process as is authorized for the recovery of arrears of revenue; with the exception of the attachment and sale of the property of the offenders.

Definition of the term annual produce of lands held exempt from the payment of revenue.

The fees to be paid to the collector; and mode of recovery if not duly paid.

XI. The amount of the fees leviable under this Regulation shall be payable to the collector on demand; and if not discharged, shall be leviable by the same process as the payment of arrears of revenue due to Government may be enforced.

The fees not to exceed 100 rupees.

XII. No person shall be liable under this Regulation, for the payment of a greater sum than one hundred rupees, on account of any transfer of an estate or

of

of lands held exempt from the payment of revenue; and accordingly when the fee on any such transaction, would, calculating according to the rates above prescribed, amount to a greater sum than 100 rupees, the excess above that sum shall not be demanded or received.

XIII. The fees on the division of any estate, or the union of estates paying revenue to Government, leviable under Section VIII of this Regulation, shall be paid on the registry of the same by the parties, in proportion to their interest.

Fees on the division or union of eſtates to be paid in proportion to the parties intereſt.

XIV. The fees on the transfer of landed property, by deed of sale, or gift, or otherwise leviable under Section IX, shall be paid by the party to whom the property may be transferred, on the transfer being entered in the public register of lands.

The fees on the transfer of landed property to be paid by the transferees.

XV. All sums which may be received by the collectors under this Regulation, are to be carried to the account of Government, and the collectors to grant receipts to the parties.

Fees to be carried to the account of Government, and receipt to be granted to the parties.

A. D. 1814. REGULATION XI.

A REGULATION vesting the Resident at Sinder Droog or Malwan, with Powers to hear and determine Civil Suits to a certain extent; and with Magisterial Authority for the apprehension and trial of Persons charged with Crimes or Misdemeanors; and for extending the Jurisdiction of the Court established for Salsette, Caranja, &c. to Sinder Droog or Malwan and its Dependencies :—Passed by the Right honourable the Governor in Council, on the 2d of November 1814; corresponding with the 5th of Asvin Vud, Sumbut, or Vekramajet era 1870; Salbahan 1736; and 9th of Zilkaad 1229, Hijree.

WHEREAS by the 5th Article of the Agreement concluded between the Rajah of Colapore on the 1st of October 1812, His Highness has ceded to the Honourable Company in perpetual sovereignty, the Harbour of Malwan, that is to say, the Fort and Island of Sindoodroog or Malwan, and the Forts of Puddunghur, Rauje Cote and Sirjee Cote, with the lands dependant on the said Forts: And whereas it is essential that provision be made for the administration of Justice within the Territories now dependent or which may hereafter be annexed to the Residency at Malwan; The following Rules have been accordingly enacted.

Preamble.

II. The Resident at Sinderdroog or Malwan is empowered to try and decide all causes of a civil nature for money or other personal property where the amount or value of the thing contested shall not exceed the sum of five hundred rupees, or for Malguzaree or revenue land, the annual produce of which shall not be above five hundred rupees, or for Lokhirazee, or free land, the produce of which may not be more than fifty rupees per annum : his decisions being in all cases appealable to the judge for the division of Salsette; regulating his proceedings according to the formalities prescribed by Regulations III and IV, 1799.

The reſident at Malwan empowered to take cognizance of all ſuits and to the extent of five hundred rupees.

His deciſions appealable to the judge for the diviſion of Salſette.

III. The under-mentioned proportions of the fees collected, agreeably to Section III, Regulation VII, 1802, shall be paid to the resident, before whom the suits may be determined, or before whom they may be depending, in the event of the parties adjusting them by Razinamah.

On sums not exceeding fifty rupees, one anna per rupee :

On sums above fifty, and not exceeding two hundred rupees, one anna per rupee on fifty rupees, and half an anna per rupee, on the remainder of the sum :

On sums above two hundred, and not exceeding five hundred; on two hundred rupees as above, and two per cent. on the remainder.

IV. In the event of any cause of action arising at Sinder Droog or Malwan and its dependencies, exceeding the sums of rupees mentioned in Section III, the resident shall report the same to the judge at Tannah, who shall once every year proceed to Sinderdroog or Malwan to clear the file, should there be any duty to discharge, but not otherwise, according to the existing Regulations of this Government.

Vested also with magisterial powers: But not to exercise the same without taking the prescribed oath.

V. The resident is also vested with magisterial powers; and authorized to exercise the same, conformably to the provisions contained in Regulation V, 1799; previously, however, to his entering upon the execution of the duties of a magistrate, he shall take and subscribe before the Governor in Council the oath prescribed in Section II of that Regulation; persons committed or held to bail by the resident being remanded to Tannah, to take their trial before the court of circuit.

Jurisdiction of the judge and magistrate of Salsette, &c. to extend to Sinderdroog.

VI. The civil and revenue jurisdiction which the judge and magistrate is invested with over the islands of Salsette, Caranjah and their dependencies, as mentioned in Section II, Regulation III, 1799, shall extend to Sinderdroog or Malwan.

RULE ORDINANCE AND REGULATION I. 1814.

RULE ORDINANCE and REGULATION for vesting any Two of His Majesty's Justices of the Peace, with Power to decide on all Disputes arising between Masters and Mistresses, and any of their Household Servants, Hamauls, or Palanqueen Bearers; and for empowering either of the Magistrates of Police to decide summarily on Acts of Miscarriage and Ill-behaviour, requiring moderate though immediate Correction:—Passed in Council on the 23d of March 1814, and registered in the Court of the Recorder of *Bombay*, on the 29th of June 1814.

Preamble.

WHEREAS it has been found expedient to place the various descriptions of household servants, hamauls, or palanqueen bearers, in the employ of the European and native inhabitants of this island, under certain Regulations, whereby they may be rendered amenable for any acts of misdemeanor or misconduct towards their employers, and at the same time be secured from any loss of wages, or ill-treatment, on the part of their employers;—

Be it therefore ordained by the authority of the Honourable the Governor in Council now assembled, that from and after the due registry and publication of this Rule Ordinance and Regulation in the court of the recorder of Bombay, the said Rules and Ordinance, consisting of the titles and articles hereinafter stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

TITLE FIRST.

Regulations with respect to Servants, &c.

ARTICLE I.

Complaints between master and mistress and household servants in regard to wages, rendered cognizable before any two justices of the peace.

If any complaints shall arise between any master and mistress and any of their household servants in regard to wages, it shall be lawful for any two justices of the peace for the town and island of Bombay, when such differences arise, to examine upon oath any such master or mistress, or any other witness or witnesses, touching any such complaint or disputes, and to make such order for payment of so much wages to such servant, as to such justices shall seem fit and reasonable; provided that the sum in question do not exceed one month's wages to the servant.

ARTICLE II.

As well any acts of misdemeanour or ill behaviour.

How to be punished.

That it shall and may be lawful to and for any two justices, upon application made upon oath by or on behalf of any master, mistress, or employer, against any servant whatever, touching any misdemeanor or ill-behaviour in such his or her service or employment, or in absenting themselves from their service on a false pretence, to hear, examine, and determine the same, and on due proof thereof, to punish the offender by commitment to the gaol of the said town and island of Bombay, there to remain and be kept to hard labour for a reasonable time not exceeding one calendar month, or otherwise by abating some part of his or her wages, and by discharging such servant from his or their service and employment.

ARTICLE III.

If any person, after he has hired any servant, shall put away his said servant before the end of his term, unless it be for some reasonable and just cause, to be allowed before two justices of the peace for the town and island of Bombay; or if any master or mistress shall put away any servant at the end of his term, without seven days notice given, before the said end of such term, that then every such master or mistress so offending shall, on complaint of such servant to any two justices of the town and island of Bombay, unless he or they be able to prove by one or more witnesses, a sufficient and reasonable cause for putting away such servant or servants during their term, or seven days warning given before the end of the said term, shall forfeit a sum not exceeding twenty rupees.

No servant to be discharged before the end of his term.

Master and mistress to forfeit twenty rupees in violation of this rule.

Exception.

ARTICLE IV.

If any sevant hired by any master or mistress, depart from them before the end of his or her term, unless it be for some reasonable and just cause to be shewn to two of the justices for the town and island of Bombay; or if any servant, at the end of his or her term, depart from his master or mistress without seven days warning, every servant so departing shall, on complaint made thereof by the master or mistress to two of the justices of the town and island of Bombay, and on due proof thereof, be punished, at the discretion of the said two justices, by a fine not exceeding one month's wages, or by commitment to the gaol of the said town and island of Bombay, there to be kept at hard labour for a reasonable time not exceeding one month, or otherwise by abating some part of his or her wages.

Servants not to leave their masters before the end of their term, except in certain cases.

To be punished, and how.

TITLE SECOND.

Regulations with respect to Hamauls or Palanqueen Bearers.

I. No hamauls shall be discharged without having received one day's previous warning, or being paid one day's wages, unless it shall appear to the magistrates in Petty Sessions, that he has acted improperly, though it may be optional with any master or mistress to keep their hamauls, while in his or her service, in arrears for a period not exceeding fourteen days, in order to guard against their absconding without cause, or any other misconduct which may, upon investigation before the proper authority, render it necesary for such arrears of pay to be forfeited.

No hamauls to be discharged but on one day's previous warning, on being paid one day's wages.

Time for keeping them in arrears of wages limited.

II. No hamaul shall be permitted to leave his service without giving one day's previous warning, unless it shall appear to the said magistrates, that the master or mistress of such hamaul has acted improperly, and on hamauls being discharged by any master or mistress, except where misconduct shall appear on their part as aforesaid, without receiving one day's previous warning and the wages due to them, or without receiving, where no such previous warning was given, one day's wages, the magistrates are hereby empowered to call before them every master or mistress so discharging his or her hamauls, and to impose such fines upon him or her, as to the said magistrates may under all the circumstances of the case appear reasonable, not exceeding one hundred rupees.

No hamaul to leave his service without one day's previous warning; except in certain cases.

Fines to be levied on masters and mistresses discharging their hamauls without previous warning.

III. Every hamaul, except as before excepted, leaving his service without being regularly discharged, shall suffer such punishment as the offence may seem to require. The magistrates in Petty Sessions shall be authorized to seize and detain in custody all hamauls, not conforming to the above enjoined Regulations, until they shall comply therewith, and if necessary, also cause corporal punishment to be inflicted on them.

Hamauls leaving their service without a discharge to be punished, and how.

IV. And the said magistrates are hereby also authorized and empowered to summon before them every master or mistress who shall maltreat his or her hamauls, and inflict such punishment by fine upon the offending party as to the said magistrates may appear just and reasonable, not exceeding one hundred rupees.

Masters and mistresses maltreating their hamauls to be fined.

V. And whereas servants and hamauls are frequently guilty of various acts of miscarriage and ill-behaviour towards their masters and mistresses, which require moderate

Petty offences of hamauls and servants made cognizable before either of the police magistrates.

moderate correction: And whereas from the court of Petty Sessions (before whom the offences of servants and hamauls are now only properly cognizable) sitting but once a week, offenders of the above description are frequently kept in custody for days, not merely to the manifest deterioration of their morals, but to the great inconvenience of their masters and mistresses, who are hereby deprived of their services: Now be it Enacted and Declared to be lawful for either of the magistrates of police, upon complaint made by any master, mistress or employer, against any servant or hamaul, concerning any misdemeanor, miscarriage, or ill-behaviour in their service, immediately to hear and determine the same, and on such complaint being established by the oath of one credible witness, to punish the offender, either by causing any number of lashes not exceeding twelve for each offence, to be inflicted on him or her so offending, or by fining him or her any sum not exceeding five rupees for each offence.

To be punished, and how.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL AND BOMBAY,

IN THE YEAR

1815.

(Presented in pursuance of Act 53 Geo. III. cap. 155, Sect. 66.)

Ordered, by The House of Commons, *to be Printed,*
25 February 1818.

REGULATIONS Passed by the Governments of India:—Presented to the Honourable House of Commons, in pursuance of an Act of Parliament of the 53d Geo. III. Cap. 155, Sect. 66:—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1815; N° I. to V.

Regulation.

I.—For securing the right of the British Government to assess land, held under mocurreree or istumrar grants of any preceding Government, on the decease of the holders thereof:—
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II.—For extending the provisions of Clause Seventh, Section XII. Regulation XXIV, 1814:—
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IV.—For modifying some of the provisions at present in force, for the collection of Customs on certain articles of commerce, in the territories immediately dependent on the Presidency of Fort William: - - - - - - - - - - - - Passed on the 26 August 1815 - - - - p. 6

V.—For suspending the operation of the existing Regulations in that part of the district of Midnapore, commonly known under the denomination of the Pergunnah of Bogree:—
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II.—By the Governor in Council of BOMBAY, in the Year 1815; N° I. to XIV.

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Regulation.

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III.—For defining the Powers to be exercised by the senior Magistrate of Police in Revenue matters, within the Town and Island of Bombay: - Passed on the 24 of May 1815 - - - p. 13

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No Regulations have been received from the Governor in Council of FORT ST. GEORGE of the Year 1815.

East India House,
25th February 1818.

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1815.—N° I to V.

A. D. 1815. REGULATION I.

A REGULATION for securing the Right of the British Government to assess Land held under Mocurreree or Istumrar Grants of any preceding Government, on the decease of the holders thereof:—Passed by the Vice President in Council, on the 18th February 1815; corresponding with the 8th Phagoon 1221 Bengal era; the 22d Maug 1222 Fussily; the 9th Phagoon 1222 Willaity; the 9th Maug 1871 Sumbut; and the 7th Rubbi-ul-Awul 1230 Higeree.

Preamble.

WHEREAS the occupants of lands in the ceded and conquered provinces and in Bundlecund, held at a mocurreree or istumrar jumma, under recognized grants of the native Governments, have been permitted by the British Government to hold the same according to the terms of the grants, during life: And whereas it is expedient to obviate every doubt respecting the right of the British Government to impose an adequate assessment on such lands on the death of such life tenants, the following Rules are enacted; to have effect from the date of their promulgation in the provinces aforesaid.

Duty of collectors in the assessment of lands held under mocurruree or istumrar grants of the native governments, on the decease of the holders.

II. On the death of any person holding lands in the ceded and conquered provinces or in Bundlecund, on a mocurreree or istumrar tenure granted by the native governments, it shall be the duty of the collector of the zillah in which the lands are situated, to proceed to the assessment thereof, under such instructions as he shall receive from the Board of Commissioners on the subject, and that Board shall apply to the Governor General in Council for special orders, in any case which may appear to call for a deviation from the established rules prescribed for the public assessment; in order, that if the Governor General in Council shall in any case see grounds for granting any abatement from the jumma, which on that principle would be assessed on the lands, he may take the subject into his consideration, and may allow such reduction of the jumma, as may be deemed proper.

Reservation of power to the Governor General in Council to grant an abatement from the jumma of the lands which may be so assessed.

Courts of justice restricted from taking cognizance of the question of resumption of grants described in 2d section of this Regulation, or of the assessment of the lands consequent thereto.

III. No court of justice shall on any account take cognizance of the question of resumption of grants of the nature described in the preceding section on the death of the holder, nor of the assessment of the lands consequent thereto. The adjudication of all claims on these accounts, shall rest definitively with the revenue authorities, subject only to the approval of the Governor General in Council.

The courts of justice not restricted from taking cognizance of claims to the actual property in the lands.

IV. Nothing contained in Section III. shall be construed to preclude the courts of justice from receiving, hearing, trying and deciding on claims to the actual property in the lands situated within a mocurreree or istumrar, as well as to all or any of the rights, privileges or advantages annexed to such property by the existing laws or established usages of the country.

Revenue officers to resume any mocurruree tenure which may be proved to be illegal or invalid, during the life of the incumbent.

V. Nothing contained in this Regulation, shall be considered to deprive the revenue officers of the right to resume as heretofore, any mocurreree tenure proved to be illegal or invalid, during the life of the present incumbent.

VI. All

Courts of juſtice prohibited from taking cognizance of claims to ſuch tenures, if the poſſeſſor of the grant ſhall have died ſubſequently to the ceſſion or conqueſt

VI. All such mocurreree or istumrar having been declared to be life tenures only, the Courts of Judicature are hereby further prohibited from taking cognizance of any claim to hold any land at a mocurrerce or istumrar rent, by virtue of any grant, the possessor of which may have died at any time subsequent to the cession or conquest.

A. D. 1815. REGULATION II.

A REGULATION for extending the provisions of Clause Seventh, Section XII, Regulation XXIV, 1814 :—Passed by the Vice President in Council, on the 18th of April 1815; corresponding with the 7th Bysaak 1222 Bengal era; the 24th Cheyte 1222 Fussily; the 8th Bysaak 1222 Willaity; the 9th Cheyte 1872 Sumbut; and the 7th Jamadi-ul-Awul 1230 Higeree.

Preamble.

WHEREAS under the provisions of Clause Seventh, Section XII, Regulation XXIV, 1814, it is competent to the Governor General in Council to invest a Register stationed at a place, not being the station of the Zillah or City Dewanny Adawlut, to which he is attached, with original jurisdiction in the cognizance and trial of summary suits, originating within local defined limits: And whereas it is expedient that such original jurisdiction should not be confined to the limits of the district, in which such person may hold the office of Register, but should be extended at the discretion of the Governor General in Council, to portions of other districts, in which such Register may be authorized to exercise the powers of joint Magistrate; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately subject to the Presidency of Fort William.

In what caſes a regiſter may be ſpecially empowered to take cognizance of ſummary ſuits, originating in other diſtricts, than that in which he may hold the office of regiſter.

II. It shall be competent to the Governor General in Council, to extend the original jurisdiction, which may be vested in a register, with regard to the cognizance and trial of summary suits under Clause Seventh, Section XII, Regulation XXIV, 1814, to those portions of other districts, in which such register may be authorized to exercise the powers of joint magistrate.

Proviſions of Clauſes Fourth, Fifth, Eighth, and Twelfth, Section XII, Regulation XXIV, 1814, declared to be applicable to ſuch ſuits.

III. The provisions contained in Clauses Fourth, Fifth, Eighth, and Twelfth, Section XII, Regulation XXIV, 1814, shall be considered to be equally applicable to summary suits cognizable by a register, under the original jurisdiction, which may be vested in him in conformity with the preceding section, as to those which he may be authorized to receive and try under Clause Seventh, Section XII, Regulation XXIV, 1814.

Proceedings and periodical reports regarding ſuch ſuits how to be furniſhed.

IV. It shall be the duty of the register to transmit, at such time as may be found convenient, the original proceedings held by him in the trial of summary suits under Section II. of this Regulation, together with the usual periodical reports regarding such suits, to the judge of the zillah or city within whose jurisdiction such summary suits may have originated.

A. D. 1815. REGULATION III.

A REGULATION for continuing the existing Settlement of the district of Cuttack, the Pergunnah of Puttaspore, and its dependencies, until the expiration of the year 1223 Umlee:—Passed by the Vice President in Council, on the 12th May 1815; corresponding with the 31st Bysaak 1222 Bengal era; the 19th Bysaak 1222 Fussily; the 1st Jeyte 1222 Willaity; the 3d Bysaak 1872 Sumbut; and the 2d Jummadi us Sanee 1230 Higeree.

Preamble.

WHEREAS the unavoidable delay which has occurred, in providing for the revision of the settlement of the district of Cuttack, the Pergunnah of Puttaspore, and its dependencies, which will expire with the present year 1222 Umlee, renders it expedient that the existing settlement should be continued in force until the expiration of the year 1223 Umlee, the following Rules have been enacted, to be in force from the date of their promulgation.

The existing settlement of Cuttack, the pergunnah of Puttaspore, and its dependencies, to continue in force until the expiration of the year 1223 Umlee.

II. The existing settlement of the land revenue of the district of Cuttack, the Pergunnah of Puttaspore and its dependencies, shall continue in force until the expiration of the year 1223 Umlee, subject to the following provisions.

The zemindars and farmers who may not be willing to continue their engagements to the expiration of the ensuing year 1223 Umlee, to notify the same to the collector on or before the 1st August next.

III. If any zemindar or farmer who has entered into engagements for the payment of the public revenue, during the existing settlement, shall not be willing to continue those engagements to the expiration of the ensuing year 1223 Umlee, he shall notify the same to the collector of Cuttack, or to the collector of Hidgellee, according as his lands may be situated within the respective local jurisdiction of those officers, on or before the 1st August next; corresponding with the 18th Sawun 1222 Bengal era; the 11th Sawun 1222 Fussily; the 19th Sawun 1222 Willaity, the 11th Sawun 1872 Sumbut; and the 24th Shaban 1230 Higeree.

The zemindars and farmers who may not make a notification to the above effect, are declared responsible for the payment of the existing revenue during the year 1223 Umlee.

IV. All zemindars and farmers, who shall not make a notification to the effect, and within the period above-mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue, during the year 1223 Umlee, as may be specified in their engagements for the present year 1222 Umlee.

The collectors of Cuttack and Hidgellee how to proceed in the management of the lands which may be relinquished under the option given by Section III, of this Regulation.

V. The Collectors of Cuttack and Hidgellee, shall make such arrangements for the management during the year 1223 Umlee, of any lands which may be relinquished by the zemindars or farmers, under the option vested in them by Section III, of this Regulation, as may appear to be most advisable under the instructions of the Board of Revenue, and with the sanction of Government.

The zemindars not to be deprived of the benefit of the pledge conveyed in Section IV, Regulation XII, 1805, and confirmed by Section III, Regulation X, 1810.

VI. Nothing contained in this Regulation, shall be construed to deprive the zemindars of the benefit of the pledge conveyed in Section IV, Regulation XII, 1805, and confirmed by Section III, Regulation X, 1812, purporting, that at the expiration of the Umlee year 1222, a perpetual settlement will be concluded for such estates as may be in a sufficiently advanced state of cultivation, to warrant the adoption of that measure without an undue sacrifice of the public resources; and it will consequently be the duty of the Board of Revenue, to report as soon as circumstances may admit, what estates may be in a state of cultivation to warrant the conclusion of a permanent settlement, either with or without an increase on the assessment of 1222 Umlee, as the condition and produce of the several estates may suggest.

Duty of the Board of Revenue.

A.D. 1815. REGULATION IV.

A REGULATION for modifying some of the provisions at present in force, for the collection of Customs on certain articles of Commerce in the Territories immediately dependent on the Presidency of Fort William:—Passed by the Vice-President in Council, on the 26th August 1815; corresponding with the 12th Bhaddoon 1222 Bengal era; the 7th Bhaddoon 1222 Fussily; the 13th Bhaddoon 1222 Willaity; the 6th Bhaddoon 1872 Sumbut; and the 20th Ramzan 1230 Higeree.

Preamble.

WHEREAS it has been considered expedient, with a view to encourage the exportation of the Staples and Marine Stores of Great Britain, that the Import Duties now payable at this Presidency on sundry articles should be abolished, provided that the articles be imported from Great Britain or Ireland, on British registered ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d George III. cap. 155, and other subsequent Acts; and that the duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain and Ireland, should be modified: And whereas it has further been deemed expedient to modify and alter the duties now levied on goods, being the produce of the British territories under this Presidency, on their exportation to the United Kingdom of Great Britain and Ireland on British and Indian-built ships, and to make certain other alterations in the Regulations for the collection of the Customs;—the following Rules have therefore been enacted, to be in force throughout the territories immediately subject to the Presidency of Fort William, from the date of the enactment of this Regulation.

IMPORTS:

All articles manufactured from wool, worsted-thread or yarn, imported from the United Kingdom on British registered ships, or Indian-built ships trading under legal authority, shall be exempt from duty.

II. Woollens, including cloths of sorts, blankets, hose, Guernsey shirts, caps, and generally all articles manufactured from wool, or worsted thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland, on British registered ships or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d George III. cap. 155, and other Acts containing similar provisions, shall be exempt from duty; any thing contained in any former Regulation to the contrary notwithstanding.

Unmanufactured metals, the produce of the United Kingdom, imported in a similar manner, also exempted from duties.

III. Copper, tin, iron, steel, lead, and all other metals, in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding Section, shall also be exempt from duties.

Canvas and other marine stores, the produce or manufacture of the United Kingdom, also exempted from duties.

IV. Canvas, cordage, and other marine stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II, shall be exempt from duties.

All other articles except wines and spirits, the produce or manufacture of the United Kingdom, shall be charged with a duty of 2½ per cent.

V. *First.*—All articles, the produce or manufacture of the United Kingdom, not specified in the preceding Sections, (with the exception hereafter stated,) on importation at the ports of Calcutta, Balasore, or Chittagong, shall be charged with a duty of (2½) two and a half per cent., to be adjusted according to the provisions established by Regulation IX, 1810, or any other Regulation in force.

All articles, the produce or manufacture of foreign Europe, with exception to wines and spirits, shall be subject to a duty of 5 per cent.

Second.—All articles, the produce or manufacture of foreign Europe, (with the exception of wines and spirits) on importation at the ports of Calcutta, Chittagong, or Balasore, on British registered ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d George III. Cap. 155 and other subsequent Acts, shall be subject to a duty of five per cent.

Wines and spirits imported from the United Kingdom, shall continue subject to the duties specified in Regulation IX, of 1810, and other existing Regulations.

Third.—Wines and spirits of every description, imported from Great Britain or Ireland, shall continue subject to the same rate of duty with which they are chargeable, under Regulation IX. of 1810, and any other existing Regulations.

VI. It

VI. It is to be clearly understood, that the articles specified in the preceding Sections, if imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties now in force under the existing Regulations.

The articles above specified, if imported otherwise than as described in Section II, shall be subject to the duties specified in the existing Regulations.

VII. If the established duties on goods specified in the preceding Sections, shall have been paid at any port in the territories subject to the British Government in India, no further duty shall be levied upon their transmit from port to port, within the same territories. A regular certificate of such payment, under the signature of the principal officer of the custom-house at which such duties may have been levied, shall be furnished to the collector of customs or other proper officer, at every port to which such goods may be brought, after the first payment of duties.

The goods above enumerated, on which duties may have been paid at any other port in British India, shall not be liable to further duty on transit from port to port.

EXPORTS:

VIII. *First.*—Indigo, the produce and manufacture of the territories immediately dependent on the presidency of Fort William, shall be allowed a drawback on exportation on British registered ships or on Indian-built ships, trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d George III. and subsequent Acts, equal to the whole amount of the duty payable under the existing Regulations.

Drawback to be allowed on indigo, the produce of the territories immediately dependent on Fort William, when exported to the United Kingdom.

Second.—Indigo, the produce and manufacture of the territories of His Highness the Vizier, or of any other Native Power, shall be allowed a drawback at the same rate only as that article, the produce and manufacture of the British territories, although the duty levied may have been higher.

Drawback to be allowed on indigo, the produce of the territories of the Nawaub Vizier, or any other Native Power.

Third.—It is to be clearly understood, that the drawbacks mentioned in the two preceding Clauses, are to be allowed only on indigo exported by sea to the United Kingdom of Great Britain and Ireland; and that no drawback will be allowed on the carriage of indigo to any foreign settlement in Asia.

Such drawbacks only allowed on indigo exported by sea, to the United Kingdom.

IX. On cotton-wool, hemp, and sunn, the produce of any part of India, a drawback of the whole amount of duty shall be allowed, on exportation to the United Kingdom of Great Britain and Ireland.

Drawback to be allowed on cotton-wool, hemp and sunn on exportation to the United Kingdom.

X. On the exportation to the United Kingdom of all other articles, including saltpetre, which are liable to duty under existing Regulations, such a drawback shall be allowed, as may reduce the duty actually receivable by Government to ($2\frac{1}{2}$) two and a half per cent. But no drawback shall be allowed in any instance, unless the application for drawback shall be made at the time when the goods are exported.

Rules as to drawbacks allowed on other articles, on exportation to the United Kingdom.

XI. Section V, Regulation VI, 1814, is hereby rescinded. It is however declared, that all applications for drawbacks shall be accompanied by the rowannah or rowannahs covering the goods intended to be exported, as provided in Section XX, Regulation I, 1812.

Section V, Regulation VI, 1814, rescinded; but applications for drawbacks are to be accompanied by rowannahs, as provided in Section XX, Regulation I, 1812.

XII. In modification of the rules contained in Clause *First*, Section XII, Regulation IX, 1810, and Section III, Regulation I, 1812, it is hereby declared, that the amount of inland or transit duty to be levied on cotton-wool, both in its cleaned and uncleaned state, shall not exceed five per cent. upon the value; under this modification therefore, the fixed rates of twelve annas per maund in its cleaned state, and four annas in its uncleaned state per maund, of ninety-six Calcutta sicca weight, will be reduced to a rate equal to five per cent. on the value, whenever the rates before specified may exceed that amount.

Modification of Rules as to levying the duty on cotton-wool.

XIII. With the above exceptions, it is hereby declared, that noting contained in the present Regulation is to be construed to affect the inland and transit duties, payable under the provisions of Regulation IX, 1810, and Regulations I. and XIX. 1812, and Regulation VI, 1814.

With the foregoing exceptions, this Regulation not to affect the inland and transit duties.

XIV. *First.*—Nothing contained in this Regulation, is intended to apply to the trade conducting on foreign bottoms, the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing, until all the arrangements consequent on the treaties of peace shall have been completed.

This Regulation not applicable to trade on foreign bottoms.

Second.

Nor to depoſits already made for payment of duties.

Second. Neither is any thing contained in this Regulation intended to apply to deposits made previously to the date of this Regulation, for the payment of duties on goods imported, the accounts of which have not yet been adjusted. All deposits made previous to the date of this Regulation shall be adjusted according to the existing rates of duties.

A. D. 1815. REGULATION V.

A REGULATION for suspending the operation of the existing Regulations in that part of the district of Midnapore, commonly known under the denomination of the Pergunnah of Bogree:—Passed by the Governor General in Council, on the 29th of December 1815; corresponding with the 15th Poose 1222 Bengal era; the 13th Poose 1223 Fussily; the 16th Poose 1223 Willaity; the 14th Poose 1872 Sumbut; and the 27th Mohurrum 1231, Higeree.

Preamble.

THE Purgunnah of Bogree, in the district of Midnapore, has been long infested by bands of plunderers, who have, at various periods since the first annexation of that pergunnah to the British territories, openly resisted the authority of Government, and have committed the most atrocious acts of violence and outrage. Although such measures as were consistent with the principles and provisions of the existing Regulations have, from time to time, been adopted by Government and by the local authorities, with a view to the establishment of good order and permanent tranquillity in the Pergunnah of Bogree, the attainment of that important object has been frustrated by peculiar obstacles, arising from the nature of the country, the character of the inhabitants, and other special and local difficulties. The failure of all measures hitherto adopted, under the existing laws, to restore tranquillity; the increasing prevalence of disorders, which, if not speedily suppressed, may extend to the neighbouring jungle estates in Midnapore, Burdwan, and the Jungle Mehals, and the continued resistance opposed to the authority of Government, have at length rendered it necessary that the ordinary functions of the Courts of Civil and Criminal Justice, and the operation of the general Regulations, should, for the present, be suspended in that part of the district of Midnapore, commonly known under the denomination of the Pergunnah of Bogree, and that a Commissioner should be deputed to that pergunnah, for the purpose of exercising such powers and of discharging such functions and duties as may be specially intrusted to him, under the instructions of the Governor General in Council, with a view to the collection of the rents, the establishment of a regular police, and the restoration of public order and tranquillity. The Governor General in Council has accordingly enacted as follows:

The operation of the existing Regulations declared to be suſpended in the purgunnah of Bogree, in zillah Midnapore, from the 25th of January 1816, to the date on which this Regulation may be repealed.

II. From and after the 25th of Jannary 1816, corresponding with the 13th Maug 1222 Bengal era; the 10th Maug 1223 Fussily; the 14th Maug 1223 Willaity; the 11th Maug 1872 Sumbut; and the 24th Suffer 1231 Higeree, the ordinary functions of the Courts of Civil and Criminal Justice, and of the constituted Revenue authorities, as well as the operation of the whole of the existing Regulations, shall be suspended within the Purgunnah of Bogree, and shall continue to be so suspended until this Regulation shall be formally rescinded by another Regulation, printed and published in the manner prescribed by Regulation XLI, 1793.

A commiſſioner to be deputed to Bogree to act under the inſtructions of the Governor General in Council.

III. A Commissioner shall be deputed to the Purgunnah of Bogree, who shall exercise such powers as may be intrusted to him by Government, and shall be guided in the discharge of his duties and functions by the special orders and instructions of the Governor General in Council.

Certain perſons now confined in the jail of Midnapore, charged with offences in Bogree, and who have not yet been tried or committed to take their trial, to be transferred to the cuſtody of the commiſſioner in Bogree.

IV. Such persons as may be now detained in confinement in the jail of Midnapore, charged with offences committed in the Purgunnah of Bogree, or suspected of having been concerned with the Chooars of that Purgunnah, in the commission of crimes, and who may not yet have been tried, or committed to take their trial before the Court of Circuit, shall be transferred to the charge of the Commissioner in Bogree.

V. Nothing

V. Nothing in this Regulation shall be construed to affect the sentence of the Court of Circuit, or Court of Nizamut Adawlut, in any case which may be depending before either of these Courts on or before the 25th of January 1816.

This Regulation not to affect the sentence of the court of circuit or nizamut adawlut, in cases depending in those courts, before the 25th of January 1816.

VI. It shall further be competent to the Court of Circuit and Court of Nizamut Adawlut to try any person, whom the Commissioner in Bogree under the instructions of Government may commit for trial, on the charge of any crime perpetrated before or during the operation of this Regulation. In all such cases, the Court of Circuit and Court of Nizamut Adawlut shall be guided by the general Regulations in force.

And those courts competent to try, in the ordinary mode, any individual who may be committed for trial by the commissioner, for crimes perpetrated before or during the operation of this Regulation.

II.

REGULATIONS passed by the Governor in Council of *Bombay*, in the Year 1815.

A. D. 1815. REGULATION I.

A REGULATION for preventing the Zillah and City Judges and Collectors of the Public Revenue from employing their native Creditors on their respective Establishments:—Passed by the Right Honourable the Governor in Council on the 15th of March 1815; corresponding with the 5th of Falgoon Sood Sumbut, or Vekramajit era 1871; Salbahan 1736; and 3d of Rubeevolakhir, 1230.

Preamble.

WHEREAS it is necessary to guard against the public inconvenience which may arise from persons invested with important and responsible offices, employing on their establishments natives, being their private Creditors: And whereas it is essential to discourage the practice among the junior part of the service of contracting debts, which not only prove a source of great personal embarrassments to them as individuals, but are likewise entirely incompatible with that independence and freedom of action, which it is essential, on public grounds, that persons succeeding to responsible offices should enjoy;—the following rules have been enacted, to be immediately in force throughout the provinces immediately dependant on the Presidency of Bombay.

The zillah and city judges and collectors of the public revenue and others, prohibited from employing on their eſtabliſhments any natives being their private creditors.

II. From and after the promulgation of this Regulation, no person being a creditor of any zillah or city judge or magistrate, or any collector of the land revenue or customs, shall be appointed to any official situation, on the establishment of the person whose creditor he may be; all officers, therefore, in the departments above mentioned, on submitting for the confirmation of Government the appointment of any officers to subordinate situations on their establishment, shall accompany their applications with a declaration on honour, that the persons so recommended have no claims of a pecuniary nature upon them whatever.

The foregoing Rules to be equally applicable to the relatives and dependents of ſuch native creditors.

III. The rules contained in the preceding Section for precluding the creditors of the public officers above mentioned, from being employed on their public establishments, shall be considered equally applicable to the relatives and dependents of such creditors: The former as well as the latter shall consequently be equally precluded from being employed on the establishments of any of the public officers above described.

The preſent Regulation not applicable to the commercial reſidents and agents.

IV. In order to prevent misconstruction, it is hereby explained, that the foregoing provisions are not intended to apply to the commercial residents and commercial Agents.

A. D. 1815. REGULATION II.

A REGULATION for trying the validity of Titles of persons receiving or claiming a right to receive, Pensions and annual charitable Allowances in the Territories acquired by conquest or ceded to the Honourable the English East India Company, in the Province of Guzerat, or within any part of the Territories subject, or which may hereafter be subject to the Government of Bombay:—Passed by the Governor in Council, on the 5th of April 1815; corresponding with the 11th of Falgoon Vud Sumbut, or Vekramajet era 1871; Salbahan 1736, and 24th Rubyool Akhir 1230 of the Hejry.

Preamble.

SUNDRY Claims to Pensions, and to charitable Allowances, which owe their origin, particularly in the Pergunnah of Broach, to the Moghul Government and to that of the Marhattas prior to the first conquest of that district by the English, and to Scindia subsequently to its cession to him on the 6th of June 1782, having been preferred to the Governor in Council; and it being essential that just and equitable rules should be prescribed for termining the continuance or discontinuance of allowances of those descriptions, payable in ready money from the treasuries in the zillahs of Surat, Broach and Kaira, or from any of the treasuries within the territories now subject or which may hereafter be subject to the Government of Bombay, the following Regulation has been accordingly enacted.

Pensions to be considered as property.

II. Pensions which may have been granted by the native governments, either wholly or in part, as indemnifications for altumgah, ayma, or other land (held by sunnuds conferring a right in perpetuity) resumed by such government, shall not be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order, issued for the confirmation of them, but are to be regarded as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited, in the same manner as other property pensions.

Certain pensions to determine on the demise of the party.

III. Pensions which may have been, in like manner granted as an indemnification for lands resumed by the late government, held only under a life-tenure, shall be continued during the life-time of the persons who were in receipt of them at the time of the cession; whether they be the original grantees or their heirs.

Pensions to be continued during the lives of the persons who received them at the time of the cession, whether the original grantees or not.

IV. *First.*—Pensions, or charitable allowances which may have been granted by the late government, to the indigent, aged or helpless, under sunnuds, or certificates, specifying that such pensions were to cease on the demise of the holders, shall be continued to the persons who received them at the periods specified in Section II, Regulation III, 1814, during their respective lives (the 1st of October 1812 being fixed with respect to Malwan and its dependencies,) whether they be the original grantees or not, and notwithstanding that such pensions may have been granted by the aumils, provided they were regularly charged in the aumils or fernavese's accounts, and admitted, or not struck off, by the late government, they shall in like manner be continued to the present receivers, should it appear that they have been in the uninterrupted receipt thereof during a period of three years prior to the cession, or for such other period of time as from the circumstances of the case and the situation and condition of the claimants, may reasonably constitute a prescriptive right to the continuance of the pension.

Claims to pensions, not paid for three years antecedent to the cession, to be submitted to the Government.

Second.—Where a claim may be preferred to a pension which shall not have been paid to the claimant for the period of three years antecedent to the cessions, and the collector may be of opinion that the claim is of such a nature as to merit the consideration of Government, he shall submit the proceedings on the subject of such claims for the orders of the Governor in Council, whatever may be the amount of the claim.

V. Pensions

Penſions granted for religious purpoſes to be continued.

V. Pensions granted to fakeers, and other religious persons, for the purpose of lighting mausoleums or mosques, or for that of repairing them, as also to enable them to perform their religious ceremonies, shall be continued; but pensions of this description are not to be considered as of a personal nature, and the collector shall be responsible for their being applied to the purpose for which they were bestowed.

Preſcriptive right to be ſufficient proof, where written documents cannot be produced.

VI. Where sunnuds, certificates or other deeds, cannot be produced, the prescriptive right, arising from long receipt, shall entitle the claimant to a continuance of the pension.

In what manner the ſum to be paid the penſioners is to be aſcertained and fixed.

VII. In fixing the sum to be paid to the pensioners, the collector is not to be guided by the amount that may be stated in their respective certificates, but by the amount as may appear from the pergunnah or zillah accounts they were in the habits of receiving, provided such sum does not exceed that stipulated in the certificate, which shall in such case become the standard.

Penſions how iſſuable.

VIII. All pensions are to be issued from the zillah treasuries, and are not to be deducted from any particular article of revenue arising to Government.

For what future or renewed penſions the Collector is to grant certificates.

IX. For every pension which may be hereafter granted by the Governor in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from the before-mentioned treasuries, the collector shall deliver to the party by whom the pension is to be received, a certificate stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title and the date of the grant.

Regiſter of penſions to be kept.

X. *First.*—The collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or other sunnuds, and vouchers under which they are held, in a register, in the English and Guzerattee languages, to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may be likely to detect any future attempt to transfer them to others.

The Collectors to correct the regiſters whenever a penſion may revert to Government, &c.

Second.—It shall likewise be the duty of the collectors to correct the said register carefully, as often as any pensions may revert wholly or in part to Government, or whenever other individuals than those by whom the pensions are at present received, shall be adjudged entitled to the reversion of them.

Rule for the payment of one hundred rupees per annum by the Collector.

XI. All persons receiving pensions exceeding one hundred rupees per annum, are to attend the collector in person at stated periods, to receive the amount of their respective pensions; and the collector is prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pension to their authorized vakeels; but he is to take due precautions to prevent impositions after the death of the pensioners; and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

Perſons receiving penſions not exceeding fifty rupees per annum, to attend once in each year at the cutcheries of the collectors, on the iſſue of the firſt quarterly payment, for the purpoſe of identifying themſelves.

XII. *First.*—Persons entitled to pensions not exceeding fifty rupees per annum, shall attend once in each year; that is, on the issue of the first quarterly payment, at the cutcherries of the collectors, for the purpose of identifying themselves, by reference to the registers ordered to be kept by clause first, Section X. of this Regulation, and by such other inquiries as the collectors may deem it necessary to make, in order to guard against frauds in the payment of such pensions: Provided, however, that in cases in which the collectors may be satisfied, after making the fullest inquiries possible on the subject, that the pensioners are actually precluded by sickness or infirmity from attending in person, or that they are women, who, according to the usages of the country, do not ordinarily appear in public, the first quarterly payment shall be issued to any person duly authorized to receive the amount on the part of such pensioners.

Second.

Second.—The three remaining quarterly payments shall be made by any officer on the regular establishments, to whom the collectors may think proper to commit the performance of this duty. It shall be the duty of the officer so selected, to repair to the residence of the different pensioners, to ascertain fully whether the recorded pensioners be living, whether the persons claiming the different pensions be the persons actually authorized to receive them, to issue such pensions only as are indisputably receivable, to refer all questions of doubt to the collector for his orders, and finally, to report the result of the duty intrusted to him.

The three remaining quarterly payments of the pensions may be made by any officer whom the collector may direct to perform that duty.

XIII. Persons entitled to pensions of the nature set forth in Section II. of this Regulation, are not required to attend in person to receive their pensions, but may depute a vakeel, or assign their right to another by a regular deed.

Exceptions to Sections XIII. and XIV.

XIV. Pensions granted by the Moghul or Marhatta Government to persons not residing within the Company's territories, or who are not subjects of the honourable Company, are to cease; unless the parties shall have become permanent residents in the Company's territories, subsequently to the dates specified in Section II, Regulation III, 1814, except in such cases where the interspersed nature of the territories of the honourable Company, and of the States in alliance with the British Government, shall, in the opinion of the collector, render such a deviation from the established Regulations unobjectionable; in all which instances the pensions are not however to be paid, unless the collector shall be satisfied of the existence of the parties entitled to receive the same.

XV. The continuance or discontinuance of all pensions, except those set forth in Section II. of this Regulation, shall, after the death of the persons who now receive them, depend solely on the pleasure of Government, and shall not be subject to cognizance or determination in any court of justice; it shall be the duty of the collector to see that all just and authorized pensions are duly paid, and where any person may deem himself aggrieved by the act of the collector, in respect to a pension, it shall be competent to him to sue for redress in the civil court of the district.

Claim to the continuance of pensions not subject to judicial cognizance, except such as are granted under Section II.

XVI. The collector, under the Rules above laid down, or such as may be hereafter prescribed, is authorized to decide on the claims preferred to him, to the amount of one hundred rupees per annum, but no further; subject to an appeal, within one month from the date of the decision, to the zillah judge, and to a further appeal from the judge's decision, within the same period, to the Governor in Council.

Collectors to decide on pensions as high as one hundred rupees per annum.

XVII. The collectors are to keep separate proceedings on the subject of the pensions to which this Regulation relates, and submit a monthly abstract of them to the revenue accountant, and an annual one to the Governor in Council.

Collectors to keep separate proceedings, and submit a monthly abstract to the revenue accountant

XVIII. The collectors are to transmit their proceedings on all claims to pensions, exceeding one hundred rupees per annum, including their opinion on each case, for the orders of the Governor in Council.

To submit proceedings on pensions exceeding one hundred rupees per annum, with opinion, for the orders of the Governor in Council.

XIX. With a view to the effectual discovery and suppression of abuses with respect to the pension list, a reward shall be paid equivalent to the amount of any pension, for the period of six months, to any person who shall prove, through the regular channel, to the satisfaction of the Governor in Council, that such pension is fraudulently or unduly received by the person enjoying the benefit of it.

A reward equivalent to the amount of any pension for the period of six months, will be paid to any person who may prove that the pension is fraudulently received.

A. D. 1815. REGULATION III.

A REGULATION for defining the Powers to be exercised by the Senior Magistrate of Police in Revenue matters, within the Town and Island of Bombay:—Passed by the Right honourable the Governor in Council, on the 24th of May 1815; corresponding with the 1st of Vysack Vud Sumbut, or Vekramajet era 1871; Salbahan 1737; and 14th Jumadyulakhir 1230 Hejree.

IT being necessary to prescribe the Duties to be performed by the senior Magistrate of police, of a Revenue description within the town and island of Bombay, the following Regulation has been enacted:

Preamble.

II. All legal powers, duties and functions imposed on or vested in the late superintendent of police by any Regulation now in force, are hereby transferred to the senior magistrate of police for the town and island of Bombay.

III. Regulation IV, 1803, is hereby repealed, and the senior magistrate of police for the town and island of Bombay shall exercise the functions of a revenue judge in all matters relating to the revenue of the said town and island, according to the Regulations that have been passed or may hereafter be enacted, and shall take the oath prescribed for a revenue judge accordingly.

IV. Nothing in the Regulation shall be construed or taken to suspend or repeal Regulation VI, 1814.

A. D. 1815. REGULATION IV.

A REGULATION for extending and prescribing the Authority to be vested in the Residents at Fort Victoria and Malwan and the Revenue Judge of Bombay, in the trial of Civil Suits, and for regulating Appeals from their decisions:—Passed by the Right honourable the Governor in Council, on the 5th July 1815; corresponding with the 13th of Jest Vud Sumbut, or Vickramajet era 1871; Salbahan 1737; and the 26th Rujub 1230 Hijree.

Preamble.

WHEREAS the judicial powers vested in the residents at Bancoote and Senderdroog or Malwan, by Regulation I, 1811, and XI, 1814, are limited to the cognizance of causes of a civil nature for money or other personal property, where the amount or value of the thing contested shall not exceed at the former station, the sum of rupees one hundred, and at the latter, rupees five hundred, or in respect to Malwan exclusively, for malguzaree or revenue land, the annual produce of which shall not be above five hundred rupees, or for lokhirazee or free land, the produce of which may not be more than fifty rupees per annum: And whereas considerable inconvenience has been experienced from the remote situation of those districts and their dependencies, particularly of Malwan from the island of Salsette: And whereas it is expedient that a more speedy and efficient course should be established, for the administration of Justice within the territories which now are or hereafter may be dependent on Fort Victoria and Malwan: And whereas no provision has yet been made for regulating the extent of the authority to be exercised by the Revenue Judge of Bombay: And whereas it is expedient that Appeals from their decisions should be made to a nearer tribunal than the Court of Appeal; the following Rules are enacted accordingly:

II. Section II, Regulation I, 1811; and Sections II, III, IV, and VI, Regulation X, 1814, are rescinded.

III. The residents of Fort Victoria and Malwan are empowered to try without limitation, and decide on all suits and complaints of a civil nature for money, or personal or real property, or of malguzaree or revenue land, or for lokhirazee or free land, which may arise within the territories which now are, or hereafter may be dependent on those zillahs respectively, according to the forms prescribed by the Regulations for the administration of justice under this Presidency.

IV. The payment of fees on the institution and trial of suits by the residents at Fort Victoria and Malwan shall be regulated conformably to Regulation VIII, 1802.

V. The cognizance of cases of a revenue description specified in Section III, bear reference only to complaints between individuals, and in which the Company may not be a party; all complaints against the residents in their official capacities as collectors of the revenues and customs and their assistants, and native officers, are hereby declared to be amenable to the judge of Salsette.

VI. The residents are however directed to receive and file all suits and complaints referred to in the preceding Section, and to forward monthly returns of the same to the judge at Tannah, to enable him to determine upon the necessity of repairing to those stations respectively for the trial of the same.

VII. An appeal is to lie to the Governor in Council, in the separate department of sudder adawlut, from the decision of the residents, in all suits or matters where

the cause or action shall amount to the sum of 400 rupees and upwards; and the residents are invariably to state in every degree, the grounds on which they may pass their decision.

VIII. The revenue judge for the island of Bombay appointed on the 25th of March 1812, shall also take cognizance of all suits or complaints in the departments of customs and revenue conformably to the existing Regulations, without limitation in regard to the amount of the suits. An appeal shall however lie to the sudder adawlut from the decision of the revenue judge, in all suits or matters where the cause or action shall amount to the sum of 400 rupees and upwards.

A. D. 1815. REGULATION V.

A REGULATION for the occasional appointment of Assistant Judges of the Zillah and City Adawluts, and for altering and extending the jurisdiction of the Registers, Assistants, and Native Commissioners of those Courts:—Passed by the Governor in Council, on the 19th July 1815; corresponding with the 13th Assad Sood Sumbut, or Vikramajit era 1871; Salbahan 1737; and 11th of Shaban 1230, Hejry.

THE number of Civil Causes depending before the Judges of some of the Zillah and City Courts being so considerable, that great delay must occur in the investigation and decision of them, and of other Causes that may be instituted previous to their determination, unless some provision be made to expedite the same, and the accumulation of such Causes having chiefly proceeded from accidental circumstances, the effect of which may be removed by a temporary arrangement for the trial and decision of the Causes in arrear, without a permanent alteration of the established jurisdictions; it is expedient that provision be made for the occasional appointment of an Assistant Judge, to assist in the trial and decision of Causes depending before the Judge of any Zillah or City Court in which such an appointment is now required under the circumstances above stated, or may hereafter become requisite under a recurrence of similar circumstances, and to expedite the general administration of justice in the Zillah and City Courts: it is also expedient that the Judges should be empowered to refer for trial to their Assistants and Native Commissioners, suits exceeding in amount or value the sum to which they are at present respectively restricted.

II. *First.*—When the number of civil causes depending before the judge of any zillah or city court may be such as to require the aid and appointment of an assistant judge, for the speedy investigation and decision of such causes, the Governor in Council, at the recommendation of the court of sudder adawlut, or otherwise if it shall appear to him expedient, will appoint an assistant judge for the zillah or city wherein it may be requisite, to be denominated "Assistant Judge of the Adawlut of such zillah or city;" or may direct the register to officiate as an assistant judge, who, previously to entering upon the execution of the duties of his office, shall take and subscribe before the Governor in Council, or before any person whom he may commission to administer it, the same oath as is directed by Section III, Regulation III, 1799, to be taken and subscribed by the judges of the zillah and city courts.

Provision for appointment of assistant judges, when requisite.

Oath to be taken by persons so appointed.

Second.—The assistant judges so appointed are empowered to try and decide, according to the Regulations in force for the administration of civil justice, any causes depending before the judge of the zillah or city in which they may be appointed to officiate that shall be referred to them by the judge; and the judges of the zillahs and cities, wherein such assistant judges may be appointed, are empowered to refer to them from time to time, during the continuance of such special appointments, any cause or causes depending in their respective courts, whether original suits, or appeals from the decisions of their registers or of the native commissioners.

Third.—The section of the particular causes to be so referred to the assistant judge, and the number of causes to be referred to them at any one time, are left to the discretion of the zillah or city judge, on a general consideration of the business depending before himself and register, and the number of causes already under reference to the assistant judge; but he is to be guided, as far as circumstances may admit,

General rule to be observed in referring

and trying such causes.

admit, by the Rule contained in Section XVIII, Regulation IV, 1799, which directs, with certain exceptions, that depending causes be brought on for trial according to the order in which they may be filed. This rule is also to be observed by the assistant judges in the trial of causes referred to them.

Assistant judges to try causes in open court. Court where to be held. Authorized pleaders to attend the court. And additional pleaders to be appointed, if necessary. Governor in Council will provide the requisite establishment of ministerial officers. But law officers of the zillah and city courts to expound the law.

Fourth.—The assistant judges appointed under this Regulation, are to try the suits referred to them in open court, to be held in the court-house of the zillah or city adawlut, or in some convenient place adjacent thereto; and a sufficient number of authorized pleaders of the zillah or city court shall be directed to attend the court of the assistant judge, or, if necessary, an additional number shall be appointed for this purpose under the provisions contained in Regulation XIV, 1802; any additional establishment of ministerial officers which may be required to attend the assistant judges, in performance of the duties prescribed by Regulation IV, 1800, will also be provided for by the Governor in Council. But the Mahomedan and Hindoo law officers of the zillah and city courts are to expound the law, in all cases wherein it may be requisite, for the determination of causes referred to the assistant judge.

Process in suits referred to assistant judges, by whom and in what manner to be issued.

Fifth.—All process which it may be necessary to issue, in suits referred for trial to an assistant judge, shall be issued under the seal of the zillah or city court, and the signature of the assistant judge, and shall be executed by the officers of the zillah or city court, in like manner as all similar processes are issued in causes tried by the judge. The process signed by an assistant judge, in suits referred to him, shall be considered of the same force and validity as process signed by the judge; and any disobedience or resistance thereto shall be equally liable to the penalties declared by the Regulations, for disobedience or resistance to similar process issued by the judges of the zillah and city courts.

Penalty for disobedience or resistance to such process.

Rules to be observed by assistant judges in the trial of all causes referred to them. And in what cases their decisions to be held final or appealable to the provincial courts.

Sixth.—In the trial of all causes referred to an assistant judge, he is to be guided by the same rules as are prescribed for the trial of the same causes before the judges of the zillah and city courts; and his decisions are to be held final, or appealable to the provincial court of appeal of the division, under the prescribed rules for appeal, according as the cause would or would not have been appealable to the provincial court, if it had been decided by the judge of the zillah or city court.

Process of provincial courts respecting causes depending before, or decided by assistant judges, how to be transmitted and executed.

Seventh.—In cases wherein an appeal may lie to the provincial court from the decision of an assistant judge, as well as in all cases wherein the provincial court of appeal may have occasion to issue process with respect to causes decided by or depending before an assistant judge, such process shall be transmitted to the judge of the zillah or city, who shall forward the same to the assistant judge; or shall himself comply with the exigency of it, if the assistant judge be not at the time present, or his office shall have been discontinued, or if from any other cause such process cannot be complied with by the assistant judge. In like manner all returns to the provincial court by an assistant judge, as well as all other communications by an assistant judge to a provincial court, or to any other court, authority, or office, shall be made through the judge of the zillah or city wherein he is employed.

Returns from assistant judges, and all communications from them to the provincial courts, or other courts or officers, how to be made.

In the event of the register of any court being nominated to officiate as the assistant judge, the judge shall be empowered to refer to the assistant to the register suits cognizable by the register, and to the native commissioners of the court (should no other European assistant be attached to the court) suits which are cognizable by the permanent assistant; the officiating register, the acting assistant, and the native commissioners, being in such cases guided, in all matters relating to appeals, to practice and forms, by the existing Regulations applicable to their respective jurisdictions.

In matters of practice and form, not provided for by the Regulations, assistant judges to be guided by instructions of the court of sudder adawlut.

In all matters relating to practice and form not provided for by this or any other Regulation, and to appeals, the assistant judges, acting registers, and acting native commissioners, who may be appointed under this Regulation, shall be guided by such instructions as they shall receive, through the judges of the zillah or city courts to which they may be attached, from the court of sudder adawlut.

The court of sudder adawlut are to report to the Governor in Council whenever, from the number of causes depending before the judge of any zillah or city court, they may be of opinion that an assistant judge should be appointed under this Regulation, as well as when from the decision of the causes in arrear, or for any other reason, such provisional appointment may appear to them no longer necessary.

A. D. 1815. REGULATION VI.

A REGULATION for establishing Annual Vacations of the Civil Courts of Justice; for postponing the commencement of the Jail Deliveries, during such Vacations:—Passed by the Right honourable the Governor in Council, on the 19th July 1815; corresponding with the 13th Assad Sood Sumbut, or Vikramajit era 1871; Salbahan 1737; and 11th of Shaban 1230 Hejry.

THE Hindoo native officers employed in the courts of justice, as well as the Hindoo wukeels attached to these courts, being in general solicitous to have leave of absence at the annual festival of the Dusserah, for the purpose of celebrating this festival, and at the same time visiting their families; and the Mohummudan officers and wukeels being usually desirous to have leave of absence for similar purposes, at the festival of the Mohurrum; the Governor in Council has judged it advisable to authorize a general adjournment of the civil courts at the periods of the above festivals; in allowing which, he has it further in view to enable such of the judges and registers as may require temporary leave of absence from their stations for any private purpose, to apply for the same at a period when the adjournments of the civil courts may admit of it with less public inconvenience than when both the civil and criminal courts are open; and in consequence of the opportunity thus given them to apply for leave of absence during the fixed vacations, it is expected they will not make such applications at any other period, except in cases of indispensable necessity.

Provincial, zillah, and city courts, to be annually adjourned at the Dufferah and Mohurrum.

II. The provincial, zillah and city civil courts shall be annually adjourned during the Hindoo festival called Dusserah, which occurs in the Guzeratee month Aso or Kartik, corresponding with the English month of September or October; and also during the Mohummudan festival Mohurrum, which, depending on the lunar year, is not fixed to any particular month. The former adjournment (or Dusserah vacation) shall commence ten days before this festival, and continue for the period of one month of thirty days; the latter adjournment (Mohurrum vacation) shall commence five days before this festival, and continue for fifteen days. Under this rule, when the time of the two festivals may coincide, the vacations also will of course be blended, and no separate adjournment will be necessary, except as far as the fixed period for the one may extend beyond that of the other; as, when part of the Mohurrum vacation only may fall within the period fixed for the Dusserah vacation, or, on the other hand, when part of the latter only may fall within the period of the former.

Period fixed for the two vacations.

Sudder adawlut may adjourn that court or not as they may judge proper.

III. The court of sudder adawlut are authorized to adjourn that court during the period of the two vacations above mentioned, or otherwise, as they may judge proper.

But no gaol delivery to be poſtponed on this account when the circuit ſhall have commenced.

IV. The provincial courts of circuit being directed by the Regulation VIII, 1812, to commence their circuits on the 1st January, 1st May, and 1st September, of each year, and as these dates may occasionally fall within the period of one of the vacations above authorized; when this may happen, the commencement of such circuit shall be postponed until the expiration of the fixed period for the vacation, or as long as the magistrates of the zillahs where the first jail delivery is to be held may, on a reference from the courts of circuit, state to be necessary on this account; but after the actual commencement of the circuit, no jail delivery shall be postponed on account of either of the vacations above noticed, nor shall the attendance of any person required before the court of circuit be dispensed with on account of the vacation in such instances, which however can seldom occur.

Nor the attendance of perſons required before the court of circuit diſpenſed with in ſuch inſtances.

A. D. 1815. REGULATION VII.

A REGULATION for referring to Arbitration Suits and Contests respecting Land:—Passed by the Governor in Council, on the 26th July 1815; corresponding with the 5th Assad Vud Sumbut, or Vikramajit era 1871; Salbahan 1737; and 18th of Shaban 1230 Hejry.

Preamble

WHEREAS no provision has been made by the existing Regulations for referring to Arbitration, Suits and Contests respecting Land, and it is expedient to provide for the same: And whereas doubts exist as to the construction of Section VI, Regu-

lation VI, 1800, whether it admits of arbitrators sending their awards or appearing in person to deliver the same;—the following Rules have been passed, to be in force from their promulgation throughout the territories immediately dependent on the Presidency of Bombay:

Parties, in suits respecting land, are at liberty to refer their suits to arbitration.

II. *First.*—Parties in suits, depending in the civil courts of judicature respecting the property in land, or limited tenures therein or rights dependent thereon, shall be at liberty to refer their suits to arbitration, and shall by all due means be encouraged by the courts to resort to that mode of adjusting their differences.

Rules contained in Regulation VI, 1800, to be considered applicable to suits referred to arbitration under the present Regulation.

Second.—The rules contained in Regulation VI, 1800, respecting the reference of suits to arbitration, the appointment of arbitrators and umpires, the investigation of suits referred to arbitration, the time and mode of making the award, and the setting aside or confirming the same, are declared applicable to suits referred to arbitration by the courts of judicature under this Regulation.

Persons between whom disputes may exist respecting land, are at liberty to refer the same to private arbitration.

III. *First.*—Persons between whom disputes may exist respecting the property of land, or limited tenures therein or rights dependent thereon, whether the same be or be not depending in the court of judicature, are at liberty, without any application to the courts, to refer the same to private arbitration; and the awards made by the arbitrators and umpires appointed in such case by the parties shall be supported and enforced by the courts, under the following rules and limitations:

How the award is to be carried into execution, and during what period.

Second.—Whenever a dispute respecting the matters enumerated shall have been referred to private arbitration, and an award shall have been duly made, if either party shall refuse to perform the award, it shall be competent to the other party, within the period of six months from the date of the award, to apply summarily to the dewanny adawlut, and upon such application, if the court, after calling upon the opposite party for his answer, be satisfied that the award was duly made by arbitrators or umpires appointed by the free will and consent of the parties, and such award shall be liable to no impeachment, which would have warranted the setting it aside if it had been made under the authority of the court, shall cause the same to be summarily executed as a decree of Court, calling upon the arbitrators and umpires, if necessary, to attend and give their assistance in the execution of their said award: Provided always, that if such application for the inforcement of a private award shall not be made within the period above prescribed, the court shall not admit any plea whatever for delay, but shall reject such application and refer the party preferring it to a regular suit.

Whenever private awards are tendered by the parties in regular suits, the courts how to proceed in those cases.

Third.—Whenever private awards shall be tendered by the parties in regular suits, the courts, if such awards shall appear to have been performed and the possession of the contested property to have been held under them, shall allow equal validity to the same as if they had been made under the authority of the courts; but if the awards tendered shall not have been performed at all, or shall have been performed only in part, the courts should not admit the same, unless they be established by clear and satisfactory proof, shall be distinct and intelligible so as to admit of easy execution, and the delay which may have accrued in the performance of them shall also be duly accounted for.

No former decree of court, on awards of arbitration respecting land, shall be amended or reversed after the promulgation of the present Regulation.

Exception in what cases.

IV. There being reason to believe that decrees have been passed by many of the civil courts of judicature, founded both upon awards made under the authority of the court, and also private awards respecting the property in land, and limited tenures therein and rights dependent thereon; it is hereby declared, that after the promulgation of this Regulation no decree relating to the matters above enumerated shall be amended or reversed upon the ground of the same being founded on an award of arbitration not authorized by the regulations at the time the award was made, unless such award be in itself open to just cause of impeachment.

Section VI, Regulation VI, 1800, amended, and arbitrators allowed to deliver in their awards through their constituted agents.

V. Doubts having arisen as to the construction of Section VI, Regulation VI, 1800, it is hereby declared, that in order to encourage men of respectability to become arbitrators, it is sufficient that on the case being transmitted to them, and after due investigation thereof, the award be delivered into court through their wukeels, mooneem-goomashtas, or other authorized agents, specially empowered by them so to do.

A. D. 1815. REGULATION VIII.

A REGULATION for extending to the Commercial Residents, their Deputies and Assistants, the privilege of trading on their own account:—Passed by the Governor in Council on the 30th August 1815; corresponding with the 10th Shravan Vud Sumbut, or Vikramajet era 1871; Salbahan 1737; and 24th of Ramzan 1230 Hijree.

Preamble.

THE honourable the Court of Directors having permitted commercial residents and their deputies and assistants, to be concerned in private transactions of a commercial nature on their own account, and as agents for others: And whereas it is essential to define the terms on which commercial residents and their deputies and assistants, are allowed to engage in such transactions, the Governor in Council has enacted the following Rules for that purpose:

Permiſſion muſt firſt be obtained through the Governor in Council.

II. *First.*—Previously to commercial residents, their deputies, and assistants engaging in commercial concerns on their own account, or as agents for others, in articles that enter into the honourable Company's investments, they shall make application to the Governor in Council for permission.

Periodical accounts of the extent of trade to be ſubmitted, which is liable to diſcontinuance by orders of the Governor in Council.

Second.—In all cases where permission may be granted, the commercial residents, their deputies and assistants, shall furnish to the Governor in Council every quarter, or oftener if required, an account of the extent of the trade carried on by them in the articles above adverted to, and shall be liable to such orders as the Government may consider it necessary to give on the occasion.

Regulations for private traders, applicable to the commercial ſervants.

Third.—In their dealings with weavers on their private account, the commercial residents, their deputies and assistants, shall be subject to the same Regulations as other private traders.

Commercial ſervants, before completing the Company's inveſtment, not to trade in the ſame articles.

III. Commercial residents, their deputies and assistants, shall not act as agents for others, nor be engaged in purchases on their own account in cotton, or of any other of the raw products of the country which the Company may have occasion to provide, until their investment shall be completed, or so long as it may be necessary for the Company to go into the market for that purpose.

A. D. 1815. REGULATION IX.

A REGULATION for collecting the Tax on Houses on the Island of Bombay, situated beyond the limits of the Town as fixed in 1794, which Tax was imposed by the order and under the authority of the Right honourable the Governor in Council on the 20th January 1813, and confirmed by the Statute of the 54th Geo. III. c. 105:—Passed by the Governor in Council, on the 6th of September 1815; corresponding with the 3d of Bhadrapud Sood Sumbut, or Vikramajet era 1871; Salbahan 1737, and 1st of Shaval 1230 Hejry.

Preamble.

THE Governor in Council having resolved that the Tax on houses on the Island of Bombay, shall be applied to the maintenance of a more efficient Police on the said Island, the following Rules and Regulations are hereby established for the collection of the said Tax:

Collectors of revenue entruſted with the collection of the tax on houſes.

II. The collector of Bombay shall be entrusted with the collection.

All religious edifices exempted from the tax.

First.—All religious edifices are hereby declared to be exempt from the payment of the said tax.

Houſes, &c. of the military, within the limits of military cantonments, exempted from the tax.

Second.—All temporary houses, bungaloes, or other temporary buildings, situated within the limits of military cantonments, and occupied by European and native officers, or by the soldiers and sepoys of His Majesty's and the Company's army, shall be exempted from the payment of the said tax.

An aſſeſſor to be appointed, with ſalary.

III. *First.*—An assessor shall be appointed by the Governor in Council, to adjust the assessment on the said houses, in conformity to the Rules established by the present Regulation, with such salary as may be thought proper.

Second.

Native receivers to be appointed to realize the tax, who shall be remunerated by a salary, and shall give security.

Second.—In like manner, a native receiver or receivers shall be appointed by the collector, to realize the tax, according to the assessment to be fixed under the present Regulation. Receivers so appointed shall be remunerated by such monthly salary as the Governor in Council may think proper. Persons appointed under this Regulation to the office of receiver of the tax, shall give security for the due performance of the duties of his or their office to such an amount as may be deemed sufficient for securing the public against any loss that might otherwise be sustained by any pecuniary defalcation.

Assessors and receivers to take the following oath.

IV. *Third.*—The assessors and receivers respectively of the house-tax, previously to entering upon the execution of their duties, shall take and subscribe the following Oath:

Oath.

"I, *A. B.* appointed to assess (*or*, collect) the House-tax for the year, in Division "(*or*, Ward) No. of the city or town of ———— Swear, That "I will assess (*or*, collect) the Tax on houses fairly and impartially, according "to the Rules prescribed in Regulations ( ) 181 , and that I will render "a true account of the same to the Collector of Bombay."

Rules as to persons exempted from taking oath.

Fourth.—If any person appointed to be a receiver, should be of a rank or cast to entitle him to an exemption from taking an oath, he shall make and subscribe a solemn declaration to the same effect.

Description of houses subject to the tax, and rate of assessment.

Fifth.—Dwelling houses of every description, whether of straw, mud, or of whatever other materials they may be constructed, which shall yield an annual rent of twenty rupees and upwards, shall respectively be assessed at the rate of five per cent. on their annual value, such tax to be collected from the 1st of January 1816.

Houses occupied by the proprietors themselves how to be assessed.

V. In cases wherein such houses may be occupied by the proprietors themselves, or wherein no rent may be received for them from the occupants, the tax shall be adjusted from a consideration of the annual value of other houses of the same size and description in the neighbourhood.

Proprietors of more than one house, the value of each of which is below 20 rupees, to be assessed.

VI. Persons possessing more than one house, the annual value of each of which shall be below twenty (20) rupees, are to be assessed, at the rate above stated, on the aggregate rent of such houses.

Collector to furnish abstract statements of assessment, for the approval of the Governor in Council.

VII. As soon as the assessment shall have been completed, the assessor shall furnish an abstract statement thereof, with such further information on the subject as may be requisite or be called for, to the Governor in Council for his approbation; and on such assessment being approved, the collection of the tax shall be levied by the collector.

Annual revisions of the assessments to be made, and submitted for the sanction of the Government.

VIII. The assessor shall annually revise the assessment, taking the former assessment as the basis of the new one, and making such alterations therein as may appear, either from the improvement or decline in the value of the houses, to be just and proper; and all such revised assessments shall be submitted for the sanction of the Governor in Council.

How persons dissatisfied with the assessment shall proceed.

IX. *First.*—Any person who may be dissatisfied with the assessment fixed on his habitation by the assessor, shall in the first instance report the circumstances to the collector, who will represent the case to the assessor, and the assessor will modify the assessment, if it should appear to him necessary and proper.

May appeal to the judge, should they be dissatisfied with the collector's decision.

Second.—Should the assessor refuse to reduce the assessment, or the party remain dissatisfied with his proceedings, he shall be allowed an appeal to the revenue judge; and the judge, after a summary investigation, shall either confirm or modify the assessment as may appear to be equitable and just.

Judge's decision to be final, except in particular cases.

X. The decision of the revenue judge shall be considered final, excepting in cases in which particular circumstances may appear to the suddur adawlut, to render the admission of a special appeal necessary.

Judges may impose fines in cases of groundless or litigious appeals.

XI. To discourage litigious appeals, the revenue judge is hereby authorized to impose a fine on persons whose objections to the assessment may prove, on investigation, to be evidently groundless and litigious; the amount of such fine to be levied according to the circumstances of the case, and to the condition of the party, by distress.

XII. *First.*

XII. *First.*—The tax shall be collected by the native receiver immediately after the same shall become due, who shall furnish the occupant of the house with a receipt for the amount of the said assessment, signed by the collector. In cases wherein payment shall be refused or evaded, the receiver shall report the circumstances to the collector, who is hereby empowered, after satisfying himself of the truth of the report, to issue his warrant, to levy the amount by distress of the property of the occupant or proprietor: the personal effects of the occupant shall, in the first instance, be liable to be sold for the recovery of the tax; but if the proceeds of the sale of such effects be insufficient to discharge the full amount of the demand, the residue shall be recovered by the distress and sale of the goods and chattels of the proprietor, should he fail to discharge the demand, on notice to do so, within a period of eight days from the date of presentation of the bill, which in such cases is to be issued to him by the receiver. The principle of the Rule is of course to be observed in cases in which the tenant and proprietor may be the same person. In case the proceeds of the sale exceed the demand, the surplus to be returned to the proprietor or tenant, as the case may be.

Tax to be collected quarterly, and receipts to be granted signed by the Collector, who may levy the amount by distress, should payment be refused or evaded.

Second.—The following Form of the Warrant is to be observed in levying the tax by distress:

Warrant.

" WHEREAS in and by assessment, made and assessed by the Right honourable
" the Governor in Council of Bombay, on the owners and occupiers of houses
" and buildings situated beyond the limits of the town, as fixed by the Order
" of Council, dated the 20th of January 1813, which assessment hath been
" duly approved and confirmed in Council;
" an inhabitant, and of a beyond limits of the said
" town, was duly rated and assessed for one year, which commenced on the
" 1st day of February 18 and ended the 31st day of January
" year, the sum of rupees
" being one-twentieth part of the gross annual value of the
" which he is
" of as aforesaid: And whereas it duly appeareth that the said sum of rupees
" hath been lawfully demanded of the said
" by the space of eight days
" past and upwards, and that the said
" hath refused, and doth refuse to pay the same; these are therefore to require
" you forthwith to make distress of the goods and chattels of him the said
" and if within the space of eight days next
" after such distress by you taken, the said sum, together with reasonable
" charges of taking and keeping the said distress, shall not be paid, that then
" you do sell the said goods and chattels so by you distrained, and out of the
" money arising by such sale, that you detain the said sum of
" and also your reasonable charges of
" taking, keeping, and selling the said distress, rendering to him the
"
" the overplus (if any be) on demand; and if no such distress can be made,
" that then you certify the same, to the end that such further proceedings
" may be had therein, as the circumstances of the case may require. Given
" under my hand and seal, this day of
" in year of our Lord 18 .

Third.—The following Certificate is to be affixed to the back of the Warrant:

Certificate of the demand having been preferred and payment refused.

" THIS is to Certify, That the sum of rupees
" being the twentieth part of the gross annual value of
" the house
" hath been demanded of the within
" named
" by the space of eight days and upwards, and that he hath refused and doth
" refuse to pay the same, wherefore this Warrant is issued to levy the amount."

" Bombay Collector's Office,
" 18 .
" *Collector.*"

Fourth.—The following instruction is to be also affixed to the Warrant, and addressed to the native receiver who is to execute it.

Inſtructions to the party executing the warrant

" You will proceed in execution of this Warrant against
"
" and should the party, on your proceeding to execution, tender payment of
" the amount due by him, as above specified, you will receive the same with
" the further amount of 100 reas, being the expense attending the issue of this
" Warrant, which you will then return to me. Given under my hand and
" seal this day of
" one thousand eight hundred and

(Signed) " A. B.
" *Collector.*"

XIII. Any person aggrieved by the measures authorized in the preceding clause, may sue for redress against the assessor before the revenue judge; and any native receiver who may be guilty of any improper exercise of the power vested in him, or of any undue exaction in the collection of the said tax, will be liable, on conviction, to the pains and penalties hereafter prescribed.

Complaints againſt the collector to be proceeded upon in the ſame manner as thoſe againſt collector of revenue.

XIV. Complaints and suits against the collector for acts done by him under this Regulation, shall be proceeded upon in the same manner as if the acts complained of had been done by him in his capacity of collector of the land revenue.

No perſon liable to a charge for peons except in the execution of proceſs under Section XIII.

XV. As the assessor and receivers will be furnished with an adequate number of peons from the establishment of the collector, no person shall be liable to any charge for any duties performed by either of those officers respectively; but whenever the collector may be under the necessity of issuing process against a defaulter, under the authority granted to him in the Section XIII. of this Regulation, such defaulter shall be liable to the ordinary amount of the charge of the printed warrant.

No perſon to be arreſted or confined but under proceſs iſſuing from the court of judicature.

XVI. No person shall be subject to arrest, detention, or confinement, but under process issuing from the court of the revenue judge.

How native officers, guilty of a breach of the foregoing Rule, are to be proceeded againſt and puniſhed.

XVII. Any native officer proved to the satisfaction of the collector, to have been guilty of a breach of the Rule contained in the foregoing Section, shall be liable to be dismissed from his employment; it is moreover declared, that complaints against native officers employed in the collection of the house-tax, for undue exactions, shall be cognizable by the revenue judge; and any such native officer on being convicted of having exacted, or attempted to exact, any tullubana, fee, or pecuniary consideration, excepting such as may be expressly authorized by the Governor in Council, under any plea or pretence whatever, shall be liable to be sentenced to fine and imprisonment, according to the nature and circumstances of the case, and the condition in life of the offender; the party aggrieved shall at the time be at liberty to prosecute the offender for damages before the revenue judge.

The object of the tax explained.

XVIII. This tax shall be exclusively appropriated to the purposes of watching, repairing and cleansing the streets of the towns or villages situated beyond the limits of the town of Bombay, for the construction of drains, and for rendering the habitations of the natives in other respects healthy and comfortable; the plans and estimates of the improvements, which may be necessary for these purposes, being in the first instance prepared under the superintendence of the court of petty sessions, and submitted to the consideration and approval of the Governor in Council.

A. D. 1815. REGULATION X.

A REGULATION for the appointment of Cazees in the Territories subject to the Presidency of Bombay, and prescribing their respective duties:—Passed by the Governor in Council on the 11th of October 1815; corresponding wth the 9th of Aswin Sood, Sumbut or Vikramajet era 1871; Salbahan 1737; and 7th of Zelkad 1230 Hejry.

Preamble.

CAZEES are stationed at the cities of Surat and Broach, and the principal towns, and in the purgunnas, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious

 duties

duties or ceremonies prescribed by the Moohummudan law, as have been hitherto discharged by them under the Native, and subsequently the British Governments. The nature of the above-mentioned duties renders it necessary that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trust with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct to the satisfaction of the Governor in council; the following rules have been accordingly enacted:

The cazees of the cities, towns or purgunnas, not removeable but for incapacity, misconduct or profligacy.

II. *First.*—The Cazees stationed in the cities, towns, or purgunnas subject to the Presidency of Bombay, shall not be removable from their offices excepting for incapacity or misconduct in the discharge of their public duty or acts of profligacy in their private conduct. The cazees so stationed, are to use a circular seal one inch and a half in diameter, on which shall be inserted the designation of their office, and their name in the Persian language, as follows. The seal of the cazee of the city (town, purgunna or purgunnas) of

(Name of the Cazee.)

The preceding Rule not to preclude the abolition of the office of cazee when such an officer may be unneceſſary.

Second.—The Rule contained in the preceding clause, is not to be construed to preclude the Governor in Council from abolishing the office of cazee at any place where, from the number of cazees stationed in the district, or other cause, the continuance of such an officer may appear to him unnecessary.

Vacancies how to be ſupplied.

III. When the office of cazee in any purgunna, city or town, shall become vacant, the judge of the zilla or city court, within whose jurisdiction the place may be situated, is immediately to report the vacancy through the court of appeal to the Governor in Council, and recommend such person as may appear to him best qualified for the succession, from his character and legal knowledge. The judges of the provincial Court shall satisfy themselves, on the best information procurable, that there appears no objection to the appointment, and shall report accordingly to the Governor in Council, who will appoint such person to the vacant office or not, as he may deem proper. The person who may be appointed to the office shall be furnished with a sunnud of appointment under the official seal of the Governor in Council, in which the date of his appointment is to be specified.

The office of cazee not hereditary.

IV. The office of cazee is declared not to be hereditary.

Courts of judicature to report incapacity, misconduct or private profligacy, to the ſudder adawlut.

V. The zilla courts and the provincial court of appeal are to report to the sudder adawlut every instance in which it may appear to them that the cazee of any purgunna, city or town, within their respective jurisdictions, is incapable, or in which it may be proved to their satisfaction, that he has been guilty of negligence or misconduct in the discharge of his public duty, or of acts of profligacy in his private conduct.

All cazees to keep copies of every paper they may draw up or atteſt; to keep liſts of ſuch papers; the liſts and papers to be delivered to their ſucceſſors.

VI. The cazees stationed in the cities, purgunnas and towns, are to keep copies of deeds and law or other papers, which they may draw up or attest, and are to affix thereto their seals and signatures. They are likewise to keep a list of all such papers, and in the event of their death, resignation or removal, the list and papers are to be delivered complete to their successors.

The judges are to furniſh cazees with copies of the Perſian tranſlations of the Regulations.

VII. The judges are to furnish the cazees stationed in their respective jurisdictions, with copies of the Persian translations of all regulations printed and published in the manner directed in Regulation I, A. D. 1799.

Cazees ſtationed in zillahs to be liable to proſecution in zillah courts for undue practices.

VIII. The cazees stationed in the several zillas, are to be liable to be sued in the court of adawlut for any undue practices in the discharge of the duties which shall be prescribed to them by any Regulation printed and published in the manner directed in Regulation I, 1799.

A. D. 1815. REGULATION XI.

A REGULATION for consolidating the existing Duties on Spirituous Liquors: —Passed by the Right honourable the Governor in Council on the 18th of October 1815; corresponding with the 15th of Aswin Sood Sumbut or Vikramajet era 1871; Salbahan 1737; and 14th of Zilkad 1230 Hijree.

Preamble.

IT being deemed expedient to consolidate the various rules which exist for the levy of customs and other duties on spirituous liquors into one Regulation, the following Enactment has been passed:

Rates of duty on ſpirituous liquors, and the principles on which they are levied.

II. On all brandies, rum, gin, arrack, and all other descriptions of spirituous liquors imported for consumption into the island of Bombay, the established three and a half per cent. customs shall be levied, on the following principles; viz.

From London, on the invoice cost, attested upon oath.
- - Madeira, the same.
- - Cape of Good Hope, 30 per cent. advance on the invoice cost, attested upon oath.
- - Isle of France - - - 15
- - China - - - - 20
- - Batavia - - - - 25
- - Manilla - - - - 20

} Under the same attestation.

- - Penang and Eastern Isles - -
- - Bengal - - - - -
- - Coromandel - - . -
- - Ceylon - - - - -
- - Arabian Gulph - - -
- - Persian Gulph - - -

} 15

- - Malabar and Canara - - -
- - Goa and the Concan - - -
- - Bassein to Surat - - -
- - Surat to Scind - - - -

} 10

} Per cent. advance on the invoice cost, under the same attestation.

The custom on spirits imported without invoices shall be levied ad valorem.

Town duty on ditto.

III. In addition to the customs as above specified, the town duty leviable by clause XV, Regulation I, 1803, is fixed at half a rupee per gallon on the import of spirits of all descriptions and from all places.

Rate of duty on the ſpirits manufactured on the Iſlands of Salſette, Caranja, and Fort Victoria.

IV. A duty of a quarter of a rupee per gallon to be levied on all spirits manufactured from articles bonâ fide the produce of the the island of Salsette, Caranja and Fort Victoria; but all imports of spirits from these territories, manufactured from articles other than the produce thereof, shall be subject to the duty of half a rupee per gallon.

Certificates under which they are to be levied.

V. Certificates must be produced from the collectors of these places, that the spirit intended to be imported has been manufactured from articles the growth of those territories, to exempt the said spirits from the payment of the higher rate of duty.

Spirituous liquors to be warehouſed when landed.

VI. All spirituous liquors landed at this port shall be placed in the custom-house warehouses, or in warehouses under charge of the custom-master and the importers.

A moiety of the import duty allowed as a drawback on exportation within a period of two months from the dat of exportation.

VII. A moiety alone of the import duty is to be allowed as a drawback on the export of spirituous liquors, and no drawback is to be allowed under any circumstances, if the spirit be not re-exported within a period of two months from the date of its import; nor is any drawback of the $3\frac{1}{2}$ per cent. customs allowed on the export of spirituous liquors.

No drawback to be allowed on ſpirits which ſhall be below its import ſtrength.

VIII. No drawback will be allowed on the export of any portion of a consignment, the proof of which shall be below its strength at the time of importation, which is to be ascertained by the custom-master on the import of the article.

IX. Spirituous

IX. Spirituous liquors imported from Europe or America on foreign bottoms, shall be subject to the payment of double the duties fixed by this Regulation.

Double duties to be levied on ſpirits imported from Europe or America on foreign bottoms.

X. The above levies shall be collected on the actual quantity imported, without any deduction on account of leakage.

To be collected on the actual quantity imported.

XI. All spirits attempted to be illicitly imported will be seized, confiscated and sold for the benefit of the Company, one moiety of the amount of the sales will be paid to all informers, and the parties offending be sent to the senior magistrate of police, to be punished as the law directs.

Spirits illicitly imported to be confiſcated and ſold, how the proceeds to be diſpoſed of.

A. D. 1815. REGULATION XII.

A REGULATION for extending the Circuit of the Court of Circuit to Fort Victoria and Malwan, and their Dependencies, for the trial of persons who may be apprehended by the Magistrates at those Stations, and committed to prison for that purpose:—Passed by the Right honourable the Governor in Council, on the 18th of October 1815; corresponding with the 15th of Aswin Sood, Sumbut or Vikramajet era 1871; Salbahan 1737; and 14th of Zilkad 1230 Hejry.

WHEREAS it is enacted by Section III, Regulation I, 1811, and by Section V, Regulation XI, 1814, that persons committed or held to bail by the residents at Fort Victoria and Malwan, are to be remanded to Tannah, to take their trial before the Court of Circuit: And whereas great expense and inconvenience are likely to be experienced by the parties, as well as by persons summoned as witnesses, on their removal so far from their homes, the Governor in Council is pleased to pass the following Enactment:

Preamble.

II. Those parts of Section III, Regulation I, 1811, and Section V, Regulation XI, 1814, which direct that persons committed for trial, or held to bail by the Residents at Fort Victoria and Malwan, shall be remanded to Tannah, to take their trial before the Court of Circuit, are rescinded.

Parts of Section III, Regulation I, 1811, and of Section V, Regulation XI, 1814, reſcinded.

III. Persons committed to prison, or held to bail by the magistrates at Fort Victoria and Malwan, shall be detained at those places respectively, for trial by the Court of Circuit.

Perſons committed to bail by the magiſtrates at Fort Victoria and Malwan, to be detained at thoſe places for trial.

IV. The magistrates of Fort Victoria and Malwan, will forward to the court of circuit returns of prisoners committed for trial, and the judge of circuit will thereon proceed to Fort Victoria and Malwan, to deliver the jails at those stations respectively, either on the circuit of the 1st of January, or the 1st September, in each year, should there be any prisoners for trial, but not otherwise, and at both those periods, should the state of the jails at those stations require it.

The magiſtrates to forward returns of priſoners committed for trial to the court of circuit.

Period of the jail delivery by the judges of circuit fixed.

A. D. 1815. REGULATION XIII.

A REGULATION for modifying some of the provisions at present in force for the collection of Customs on certain Articles of Commerce in the Territories immediately dependent on the Presidency of Bombay:—Passed by the Right honourable the Governor in Council, on the 18th of October 1815; corresponding with the 15th of Aswin Sood, Sumbut or Vikramajet era 1871; Salbahan 1737; and 14th of Zilkad 1230 Hejry.

WHEREAS it has been considered expedient, with a view to encourage the exportation of the Staples and Marine Stores of Great Britain, that the Import Duties now payable at this Presidency on sundry articles sould be abolished, provided that the articles be imported from Great Britain or Ireland on British registered ships, or Indian-built ships trading under the provisions of the 30th Section of the Act 53d Geo. III, cap. 155, and other subsequent acts; and that the Duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain or Ireland, should be modified: And whereas it has farther been deemed expedient to modify and alter the Duties now levied on Goods, being

Preamble.

the produce of the British Territories under this Presidency, on their exportation to the United Kingdom of Great Britain and Ireland, on British and Indian-built ships; and to make certain other alterations in the Regulations for the collection of the Customs; the following Rules have therefore been enacted, to be in force throughout the Territories immediately subject to the Presidency of Bombay.

IMPORTS:

All articles manufactured from wool or worſted thread, imported from the United Kingdom on Britiſh regiſter ſhips, or Indian-built ſhips trading under legal authority, ſhall be exempt from duty.

II. Woollens, including cloths of sorts, blankets, hose, Guernsey shirts, caps, and generally all articles manufactured from wool, or worsted thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland, on British register ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d Geo. III, cap. 155, and other acts containing similar provisions, shall be exempt from duty, any thing contained in any former Regulation to the contrary notwithstanding.

Unmanufactured metals, the produce of the United Kingdom, imported in a ſimilar manner, alſo exempted from duty.

III. Copper, tin, iron, steel, lead, and all other metals in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding Section, shall also be exempt from duties.

Canvas and other marine ſtores, the produce or manufacture of the United Kingdom, alſo exempt from duty.

IV. Canvas, cordage, and other marine stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II, shall be exempt from duties, agreeably to the following enumeration thereof:

Anchors,
Blocks of sorts,
Boxes pump,
Bunting of sorts,
Masts and spars of all sorts,
Bells for ships,
Canvas of all sorts,
Copper rings,
Mooring chains,
Channel work for ships,
Azimuth hanging and steering compasses,
Cordage of all descriptions,
Deals of sorts,
Capstern furniture,
Time and binnacle glasses,
Grapnels,
Nails copper,
Figure heads,
Pump hide,
Kintledge,
Lanthorns,
Lines and twine,
Scupper leather,
Sail needles of sorts,
Spars of sorts,
Tar and pitch,
Palm irons,
Hawse rollers,
Rosin,
Sheaves and pins of sorts,
Speaking trumpets of sorts,
Vitry,
Varnish.

All other articles, except wines and ſpirits, the produce or manufacture of the United Kingdom, ſhall be charged with a duty of 2½ per cent.

V. *First.*—All articles, the produce or manufacture of the United Kingdom, not specified in the preceding Section (with the exception hereafter stated,) on importation at the Port of Bombay, or at subordinates, shall be charged with a duty of (2½,) two and a half per cent., to be adjusted according to the provisions established by Regulation VI. of 1799, or any other Regulation in force.

All articles the produce of foreign Europe, with the exception of wine and ſpirits, ſhall be ſubject to a duty of 5 per cent.

Second.—All articles, the produce or manufacture of Foreign Europe (with the exception of wines and spirits) on importation at the port of Bombay, or at subordinates, on British register ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d Geo. III, cap. 155, and other subsequent acts, shall be subject to a duty of five per cent.

Wine and ſpirits imported from the United Kingdom, ſhall continue ſubject to the exiſting Regulations.

Third.—Wines and spirits of every description imported from Great Britain or Ireland, shall however continue subject to the same rate of duty with which they are chargeable under Regulations VI. of 1799, I. of 1805, and any other existing Regulations.

The articles above ſpecified, if imported otherwiſe than as deſcribed in Section II, ſhall be ſubject to the duties ſpecified in the exiſting Regulations.

VI. It is to be clearly understood, that the articles specified in the preceding Sections, if imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties now in force under the existing Regulations.

The goods above enumerated, on which duties may

VII. If the established duties on goods, specified in the preceding Sections, shall have been paid at any port in the territories subject to the Company's Govern-

ment in India, no farther duty shall be levied upon their transit from port to port within the same territories. A regular certificate of such payment, under the signature of the principal officer of the Custom House at which such duties may have been levied, shall be furnished to the collector of customs, or other proper officer, at every port to which such goods may be brought after the first payment of duties.

have been paid at any other port in British India, shall not be liable to farther duty on transits from port to port.

EXPORTS:

VIII. *First.*—Indigo, the produce and manufacture of the territories immediately dependent on the Presidency of Bombay, shall be allowed a drawback on exportation on British registered ships, or on Indian-built ships, trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d Geo. III, cap 155, and subsequent acts, equal to the whole amount of the duty payable under the existing Regulations.

Drawback to be allowed on indigo, the produce of the territories immediately dependent on Bombay, when exported to the United Kingdom.

Second.—Indigo, the produce and manufacture of the territories of any Native power, shall be allowed a drawback at the same rate only as that article the produce and manufacture of the British territories, although the duty levied may have been higher.

Drawback to be allowed on indigo the produce of the territories of any native power.

Third.—It is to be clearly understood, that the drawbacks mentioned in the two preceding clauses, are to be allowed only on indigo exported by sea to the United Kingdom of Great Britain and Ireland; and that no drawback will be allowed on the carriage of indigo to any foreign settlement in Asia.

Such drawbacks only allowed on indigo exported by sea to the United Kingdom.

IX. On cotton, wool, hemp and sunn, the produce of any part of India, a drawback of the whole amount of the duty shall be allowed on exportation to the United Kingdom of Great Britain and Ireland.

Drawback to be allowed on cotton, wool, hemp and sunn, on exportation to the United Kingdom.

X. On the exportation to the United Kingdom of all other articles, including saltpetre, which are liable to duty under existing Regulations, such a drawback shall be allowed as may reduce the duty actually receivable by Government (2½) two and a half per cent., but no drawback shall be allowed in any instance, unless the application for drawback shall be made at the time when the goods are exported.

Rules as to drawbacks allowed on other articles on exportation to the United Kingdom.

XI. In modification of the rules in force within the Territories immediately dependent on this Presidency, and of those contained in Clause VIII, Section III, Regulation VI, of 1799; Clause V, Regulation I, of 1803; and Clause X, Regulation I, of 1805; it is hereby declared, that the whole amount of duties herein referred to, including the sea customs, and the inland or transit duty to be levied on cotton wool, both in its cleaned and uncleaned state, shall not exceed five (5) per cent. upon the value; under this modification, therefore, whenever the whole of those consolidated duties calculated on the fixed rates of valuation established at Broach, at Surat, and at Bombay, shall exceed a duty equal to five per cent. on the value, the latter rate only shall be levied, otherwise the duties are to continue to be charged conformably to the existing system.

Modification of Rules as to the levying the duty on cotton wool.

XII. With the above exceptions, it is hereby declared, that nothing contained in the present Regulation is to be construed to affect either the inland, transit, or sayer duties, payable within the territories subordinate to this Presidency, or the several provisions contained in Regulation VI. of 1799, and I. of 1805, or any established system which may not have yet been promulgated in a Regulation.

With the foregoing exceptions, this Regulation not to affect the inland transit or sayer duties.

XIII. *First.*—Nothing contained in this Regulation is intended to apply to the trade conducted on foreign bottoms; the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing, until the arrangements consequent on the treaties of peace shall have been completed.

This Regulation not applicable to trade on foreign bottoms.

Second.—Neither is any thing contained in the preceding clauses intended to apply to deposits made previously to the date of this Regulation, for the payment of duties on goods imported, the accounts of which have not yet been adjusted. All deposits made previous to the date of the present Regulation, shall be adjusted according to the existing rate of duties.

Nor to deposits already made for payment of duties.

A. D. 1815. REGULATION XIV.

A REGULATION for levying a Stamp Duty on certain Law and other Papers and Documents, under the Presidency of Bombay, and in the territories subordinate thereto :—Passed by the Right honourable the Governor in Council, on the 22d of November 1815; corresponding with the 6th of Kartick Vud Sumbut, or Vickramajet era 1872; Salbahan 1737; and the 20th of Zilhuya 1230 of the Hijree.

Preamble.

WHEREAS considerable delays and inconvenience have been experienced by the different courts of judicature, in collecting, and bringing to account, the prescribed fees on the institution of suits, and on exhibits, and summonses for witnesses: And whereas it will tend to the dispatch of business, to commute such fees, for a duty to be levied by means of stamps: And whereas it is expedient to extend the same principle of improving the public revenues to bonds, deeds of conveyance, and other instruments executed by individuals; and also to certain petitions preferred to the magistrates, in order to discourage the numerous petty complaints preferred or brought before them, from improper motives, an inquiry into which not only occupies a large proportion of their time, but is often the occasion of considerable expense and vexation to the parties complained against; the following Rules have been enacted, and are to be considered in force from the 1st of March 1816.

A general ſtamp office to be eſtabliſhed at the Preſidency, under a covenanted ſervant, who ſhall be deſignated the ſuperintendent of ſtamps.

II. A general stamp office shall be established at the Presidency, under the superintendence of a civil covenanted servant of the honourable Company, to be designated the superintendent of stamps; and all papers or other materials intended for any of the purposes hereinafter mentioned, shall be stamped at his office, and counterstamped at the general treasury of Government.

The ſuperintendent of ſtamps to be ſubordinate to the Governor in Council, and to take an oath, as preſcribed in Appendix, No 1, of the preſent Regulation.

III. The superintendent of stamps shall be subordinate to the Governor in Council, and, previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed in the Appendix, (Form No. 1,) before the Government.

He ſhall prepare and tranſmit ſtamps to the different officers.

IV. The superintendent shall prepare and transmit to the different officers, entrusted with the disposal of stamps, the quantities which they may require for use in their respective districts.

What account of ſtamps to be kept by him.

V. The superintendent shall keep an account of the quantity and value of stamps prepared by him, of the issue of stamps, of the sums brought to credit in the several districts, and of the quantity of stamps remaining in store; and he shall prepare and submit to the Governor in Council such periodical reports and statements as they may require.

No ſtamp to be valid or iſſued from the ſtamp office until it ſhall have received the preſcribed counter-ſtamp at the general treaſury.

VI. No stamp shall be valid, or be issued from the Stamp Office, until the paper, parchment, or other material on which the stamp has been impressed, shall have received the prescribed counter-stamp at the general treasury.

The ſub-treaſurer to keep an account of the ſtamps which may be counter-ſtamped by him, and to tranſmit it to the Governor in Council at the cloſe of each official year.

VII. The sub-treasurer shall keep an account of the quantity and value of the stamps, which may be counter-stamped by him; which account shall be transmitted to the Governor in Council at the close of each official year, in order that it may be compared with the accounts of the superintendent.

Only one ſet of dies applicable to every purpoſe for which ſtamps are required by the preſent Regulation to be uſed.

VIII. One set of dies applicable to every purpose for which stamps are required by this Regulation, shall hereafter be used in the General Stamp Office, bearing inscriptions in the English, Persian, Guzeratta and Marhatta characters, as follows:

One anna,	Fifty rupees,
Two annas,	One hundred rupees,
Four annas,	One hundred and fifty rupees,
Eight annas,	Two hundred and fifty rupees,
One rupee,	Three hundred and fifty rupees,
Two rupees,	Five hundred rupees,
Four rupees,	Seven hundred and fifty rupees,
Eight rupees,	One thousand rupees,
Sixteen rupees.	Two thousand rupees.
Thirty-two rupees,	

IX. The

In ordinary cases, the stamp to be impressed on paper of the manufacture of the country, and the Governor in Council to regulate the sizes of the paper.

IX. The above stamps shall in ordinary cases be impressed on paper of the manufacture of the country, and it shall be the duty of the Governor in Council to regulate the sizes of such paper, in such manner as may be best adapted to the convenience of the community, without injury to the public revenue, according to the true intent and meaning of the rules contained in the present Regulation; provided that the superintendent shall always keep in deposit a sufficient supply of the leaf of the taur tree (taur puttah) duly stamped for the use of those districts in which that material is ordinarily employed for the execution of certain instruments, instead of paper: provided likewise, that if any person shall be desirous of having any instrument executed on vellum, parchment or any other material, instead of paper, or taur puttah, he shall be entitled to have the same stamped, supposing it to correspond nearly with the regulated size of stamped paper, on paying the established duty. Bonds, deeds of conveyance, and other instruments, executed on any material of the above description, will accordingly be receivable, if duly stamped, in evidence in the courts of judicature, in the same manner as if such instruments had been executed on common paper according to the ordinary practice of the stamp office.

Taur puttah to be used in certain districts.

Persons desirous of having instruments executed on vellum, parchment, or other material, entitled to have the same stamped, on paying the established duty.

Bonds, deeds, and other instruments, executed on such material, if duly stamped, will be received in evidence in the courts of judicature.

To prevent forgery, the superintendent, or other officers acting under his authority, to indorse his written official signature on the back of each piece of stamped paper or other material.

X. With the view of preventing as far as possible the forgery of the stamped paper, it shall be the duty of the superintendent of stamps, or such officer or officers acting under his authority, as may be nominated for that purpose by Government, to indorse his written official signature on the back of each piece of stamped paper or other material.

Dies to be prepared at the mint of Bombay.

XI. It shall be the duty of the mint master at Bombay to cause the dies, on the order of the Governor in Council, and in conformity to such instructions as they may offer, to be engraved at the mint.

Size and shape of the dies may be changed as often as the Governor in Council may deem it necessary; prescribed impression not to be altered.

XII. The size or shape of the dies shall be changed as often as the Governor in Council may deem necessary, with the view of detecting or preventing forgeries: Provided, however, that nothing herein contained, shall be construed to authorize any alteration in the prescribed impression of the dies, except by a Regulation passed and promulgated in the manner directed by Regulation I, A. D. 1799.

Bonds or other instruments not written on paper bearing the prescribed stamp, not to be admitted in evidence, or received in any court of judicature.

Proviso.

XIII. From and after the period fixed for the operation of this Regulation, any bond, promissory note, or other obligation, for the payment of a specific sum of money, any deed of gift, sale, devise, or other transfer of property, real or personal, any leases (excepting as excepted in Section XXIV.) any mortgage, or other limited assignment of immovable property, which may be executed upon paper, or other material, not bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received, or filed in any court of judicature; provided, however, that if any person shall inadvertently have taken any such bond or other instrument on paper, or any other material, not bearing the prescribed stamp, and shall present the same to any collector of the land revenue, within sixty days from the execution of it, with a penalty equal to ten times the amount of the stamp duty, which would have been payable on such bond, or other instrument, in the first instance, if it had been prepared on paper, or other material bearing the prescribed stamp, it shall be transmitted by the collector to the superintendent of the stamp office, for the purpose of being duly stamped: Provided also, that if any bond, or other instrument, required to be written on stamped paper, shall be produced in a court of judicature, having a stamp or signature, apparently forged, the judge or other officer, before whom the document may be exhibited, shall make the necessary inquiry, previously to admitting the said instrument in evidence, to satisfy himself, whether the paper, or other material on which it was written, was purchased at either of the regular places established for the vend of stamps. If it shall appear that the paper, or other material, was so purchased, (the proof of which must of course rest with the person producing it) and that it bear a stamp, and signature resembling those prescribed by this Regulation, it shall be admitted, notwithstanding any doubts which may exist of its authenticity; but in the contrary case, that is, supposing the judge or other officer to be satisfied that the stamped paper upon which the bond or other instrument produced may be written, was not purchased from any of the authorized venders, or, if so purchased, that the party producing it was privy to the forgery, the bond or other instrument in question shall be rejected as inadmissible in evidence.

What steps should be taken as to bonds or instruments having stamps or signatures apparently forged.

An office to be eſtabliſhed in each diſtrict for the ſale and diſtribution of ſtamps, under the ſuperintendence of the collectors of the land revenue, who ſhall be allowed a commiſſion.

XIV. An office for the sale and distribution of stamps, shall be established in each district, under the superintendence and responsibility of the collectors of the land revenue, who shall receive a commission of five per cent. on the gross produce derived from the sale and distribution of stamps, in such district.

The collectors to indent upon the ſuperintendent of the general ſtamp office for ſuch quantities of ſtamps as they may require.

XV. The collectors shall indent upon, and grant receipts, in duplicate, to the superintendent of the general stamp office, for such quantities of stamps as may be required by them for the supply of their respective districts.

A darogah of ſtamps to be appointed at each of the ſtations of the collectors, who ſhall be paid either by ſalary or commiſſion.

XVI. A darogah of stamps shall be appointed, at each of the stations of the collectors and assistant collectors, who shall be paid by commission, or by salary, or partly commission and salary, as the Governor in Council may deem most advisable.

Duty of the darogah of ſtamps.

XVII. It shall be the duty of the darogah of stamps to count and examine the stamped paper received from the stamp office, and to countersign the receipts granted by the collector.

Licenſed venders of ſtamped paper to be eſtabliſhed in certain places, who ſhall be paid either ſalary or commiſſion, and to be at all times adequately ſupplied with the requiſite quantities.

XVIII. Licensed venders of stamped paper shall be established in every pergunnah, or at such places as the Governor in Council may determine, who shall be paid by salary or commission, or partly by salary and commission, as Government may direct. It shall be the duty of the collectors to cause those officers to be at all times adequately supplied with the requisite quantities of each sort of stamped paper. In like manner, it shall be the duty of the superintendent of stamps, at all times to satisfy himself, that no obstacles occur to the discharge of the public duties, from any delay or difficulty in procuring stamped paper required for the conduct of the affairs of individuals.

Stamp darogahs, and perſons authorized to retail ſtamps, to execute certain engagements, and to receive certain ſunnuds.

XIX. Every stamp darogah, and every person authorized to retail stamps, shall give security to the collector for the due performance of an engagement, to be executed by him agreeably to the Forms prescribed in the Appendix, Nos. 2 and 3, and shall receive a sunnud, prepared agreeably to the Forms Nos. 4 and 5.

What accounts to be kept by the ſtamp darogah.

XX. The stamp darogah shall keep an account of the quantity, and value of stamps, supplied by him to the different venders, and every vender shall keep a day book, exhibiting the stamps sold by him, which day-book shall be transmitted to the zillah stamp office at the end of each month; and every vender shall on receiving a supply of stamped paper for sale from the stamp darogah, grant a receipt for it; he shall, at the same time, carefully examine the stamped paper entrusted to his charge, to satisfy himself that it bears the Government stamp, which he must certify on the receipt granted to the stamp darogah.

The collectors to tranſmit to the general ſtamp office ſuch accounts as may be required by the ſuperintendent.

XXI. The collectors shall transmit to the general stamp office, such accounts as the superintendent may require, with the consent and approbation of the Governor in Council.

No other perſon to ſell ſtamps excepting thoſe authorized by the preſent Regulation, under pain of proſecution and puniſhment.

XXII. No person, excepting the superintendent of stamps, the collectors of the land revenue, or other European officers, invested with the charge of the office for the sale and distribution of stamps, and the authorized native venders, shall be deemed competent to sell stamps; and any other person who may sell stamps, in opposition to this prohibition, shall be liable to be prosecuted for such act, before the magistrates, and punished, on conviction, to the full extent of the powers vested in the magistrates by the general Regulations.

What inſtruments to be written on ſtamped paper, and how the value is to be regulated.

XXIII. From and after the date specified in the preamble to this Regulation, every bond, promissory note, or other obligation for the payment of a specific sum of money, every deed of gift, sale, devise, or other transfer of property, real or personal, every lease (except as provided for in the following Section) every mortgage or other limited assignment of immovable property which may be executed within the provinces subject to the presidency of Bombay, shall be written on paper, (or some other material) impressed with the Government stamp; the value of which stamp shall be regulated as follows:

TABLE.

Rate of ſtamp duties.

1. IF the Bond or other instrument shall be for a sum not exceeding sixteen rupees, or if the value of the property transferred, or otherwise affected by it, shall not exceed sixteen rupees, the deed ſhall be executed on stamped paper of the value of one anna.
2. If above 16 rupees, and not exceeding 64 rupees—two annas.
3. If above 64 rupees, and not exceeding 125 rupees—four annas.
4. If above 125 rupees, and not exceeding 250 rupees—eight annas.
5. If above 250 rupees, and not exceeding 500 rupees—one rupee.
6. If above 500 rupees, and not exceeding 1,000 rupees—two rupees.
7. If above 1,000 rupees, and not exceeding 2,000 rupees—four rupees.
8. If above 2,000 rupees, and not exceeding 5,000 rupees—eight rupees.
9. If above 5,000 rupees, and not exceeding 10,000 rupees—sixteen rupees.
10. If above 10,000 rupees, and not exceeding 20,000 rupees—thirty rupees.
11. If above 20,000 rupees, and not exceeding 50,000 rupees—fifty rupees.
12. If above 50,000 rupees, and not exceeding 100,000 rupees—one hundred rupees.
13. If above 100,000 rupees—one hundred and fifty rupees.

All pottahs and caboolyets, or other inſtruments relative to lands, held exempt from the payment of revenue to government, to be written on ſtamped paper; but ſuch inſtruments relative to lands, ſubject to the payment of revenue to Government, need not be written on ſtamped paper.

XXIV. To prevent misconstruction, it is hereby declared that every lease and its counterpart, (pottah and caboolyet,) or other engagement contracted between landlord and tenant, every receipt (dakelah) or other acknowledgment for the payment of rent, is required to be written on paper bearing the prescribed stamp; supposing that such lease, receipt, or other instrument, relate to lands held exempt from the payment of revenue to Government; but that instruments of the correspondent descriptions which have relation to lands subject to the payment of revenue to Government, need not be written on stamped paper.

Fees hitherto paid on the inſtitution of civil actions, on ſummonſes, and on exhibits, to be diſcontinued, and a ſtamp duty to be levied in lieu thereof.

XXV. From and after the date specified in the preamble to this Regulation, the fees hitherto paid on the institution of civil actions, on summonses and on exhibits, shall be discontinued, and the following stamp duties shall be levied in lieu thereof:.

TABLE.

IN suits instituted in any court of judicature, and in appeals preferred from the judgments of any such court to a superior court, if the amount or value of the property claimed shall not exceed sixteen rupees, the plaint or petition shall be written on paper of one rupee.

If above 16 rupees, and not exceeding 32 rupees—two rupees.
If above 32 rupees, and not exceeding 64 rupees—four rupees.
If above 64 rupees, and not exceeding 150 rupees—eight rupees.
If above 150 rupees, and not exceeding 300 rupees—sixteen rupees.
If above 300 rupees, and not exceeding 800 rupees—thirty two rupees.
If above 800 rupees, and not exceeding 1,600 rupees—fifty rupees.
If above 1,600 rupees, and not exceeding 3,000 rupees—one hundred rupees.
If above 3,000 rupees, and not exceeding 5,000 rupees—one hundred and fifty rupees.
If above 5,000 rupees, and not exceeding 10,000 rupees—two hundred and fifty rupees.
If above 10,000 rupees, and not exceeding 15,000 rupees—three hundred and fifty rupees.
If above 15,000 rupees, and not exceeding 25,000 rupees—five hundred rupees.
If above 25,000 rupees, and not exceeding 50,000 rupees—seven hundred and fifty rupees.
If above 50,000 rupees, and not exceeding 100,000 rupees—one thousand rupees.
If above 100,000 rupees—two thousand rupees.

In ſuits for land paying revenue to Government, the value of the property how to be aſſumed.

XXVI. In suits for land paying revenue to Government, the value of the property shall be assumed at the amount of the annual jumma payable on account of the land to Government.

XXVII. In

In ſuits for land held exempt from the payment of revenue to Government, the value of the property how to be aſſumed.

XXVII. In ſuits for land held exempt from payment of public revenue to Government, the value of the property ſhall be aſſumed throughout the country at ten times the amount of the computed annual produce of the land.

In ſuits for houſes, gardens, or other property, and in actions for the recovery of damages in matters relating to marriages, &c. the value how to be eſtimated.

XXVIII. In ſuits for houſes, gardens, tanks, or other property, real or perſonal, (excepting the two deſcriptions of land mentioned in the two preceding Sections,) and in actions for the recovery of damages in matters relating to marriage, caſt, or any perſonal injury, the value ſhall be eſtimated according to the rule contained in Section 3d, Regulation IV, 1799, and Section 3d, Regulation II, 1800.

Regiſters and native commiſſioners entitled to receive the fees incorporated with the ſtamp duty, under 25th Section of the preſent Regulation.

XXIX. It is not intended by the provisions of this Regulation to deprive the registers of the zillah and city courts or their aſſiſtants, or the native commiſſioners, of the eſtabliſhed proportion of the fees hitherto received on ſuits which may be inſtituted in the zillah and city courts and referred to them for deciſion; but as thoſe are incorporated under Section XXV. of the preſent Regulation with the ſtamp-duty payable on the plaint or petition, it ſhall be the duty of the zillah and the city judges to cauſe accounts of the proportion of the fees receivable by the regiſters and native commiſſioners under the exiſting rules, to be prepared at the expiration of every month, and to atteſt the ſame with their ſeals and official ſignatures. The amount ſo authenticated, ſhall be deemed a ſufficient warrant to the collectors for the payment of the amount receivable on the above account, by the regiſters, their aſſiſtants and native commiſſioners.

No exhibits to be filed without a derkhauſt or application, praying its admiſſion, written on ſtamped paper of a preſcribed value.

XXX. *First.*—No exhibits ſhall be filed in any court without a derkhauſt, or application praying the admiſſion of the exhibit; which derkhauſt ſhall be written on ſtamped paper, as follows:

In the court of the regiſter, aſſiſtant regiſter, and native commiſſioners, on paper of the value of eight annas.

In the zillah and city courts, on paper of the value of one rupee.

In the provincial court of appeal, and in the ſudder adawlut, on paper of the value of two rupees.

Second.—In lieu of filing a ſeparate application for each exhibit, it ſhall be ſufficient to file one or more applications, or liſts including any number of exhibits, provided that ſuch applications or liſts be written on one or more rolls of ſtampt paper, the value of which ſhall correſpond in amount with the total value of the ſeveral Stamps which would have been required for each exhibit ſeparately.

No ſummons to be iſſued for attendance of witneſſes, except on ſtamped paper of the value ſpecified in the preceding Section.

XXXI. *First.*—In like manner no ſummons ſhall be iſſued for the attendance of any witneſs, without a derkhauſt praying the attendance of ſuch perſon; which derkhauſt ſhall be written on ſtamped paper of the value ſpecified in the preceding Section, according to the court in which it may be delivered and recorded.

Second.—The principle of clauſe ſecond of the preceding Section is applicable to liſts of ſeveral witneſſes required to be ſummoned.

Miſcellaneous petitions, and applications of certain deſcriptions in the revenue and judicial departments, to be written on ſtamped paper of a ſpecified value.

XXXII. All miſcellaneous petitions and applications which may be preſented to the different authorities in the Revenue and Judicial departments, all mooktearnamahs, wakalutnamahs, and all charges preferred to the magiſtrates for adultery, fornications, rape, calumny, abuſive language, ſlight treſpaſſes, or inconſiderable offences, (excepting always caſes of mayhem, actual affrays, and tumultuary aſſemblies of the people,) ſhall be written on ſtamped paper, as follows:

If preferred to a collector or aſſiſtant collector of the land revenue or cuſtoms, to a zillah or city judge, or magiſtrate, or to any other authority ſubordinate to the provincial court, on paper of eight annas.

If preferred to the provincial court of appeal or circuit, on paper of one rupee.

If preferred to the court of ſudder adawlut, or ſuperior tribunal, or to the Governor in Council, on paper of two rupees.

Every anſwer, reply, and rejoinder, every ſupplement, razeenamah, or petition, to be written on ſtamped paper of a certain value.

XXXIII. *First.*—Every anſwer, reply, and rejoinder, every ſupplement, razeenamah, or petition, which may be hereafter filed in any ſuit, ſhall be written on ſtampt paper, as follows:

In the court of the regiſter, and the aſſiſtant to the regiſter, on paper of the value of eight annas.

In the zillah and city courts, on paper of the value of one rupee.

In

In the provincial court of appeal, and in the sudder adawlut, on paper of the value of four rupees.

Second.—The answer, reply, and rejoinder, in the courts of the native commissioners, are not required to be on stampt paper.

Documents required to be wri ten on ſtampt paper to be prepared in regard to the ſize of the writing and otherwiſe, as heretofore.

XXXIV. *First.*—All pleadings and petitions, all deeds, documents and other papers, whether originals or copies, which are required by this Regulation to be written on stampt paper, are to be written, as they have been hitherto usually prepared, with regard to the size of the writing, the space between the words, and the number of lines in each page.

Proviſions made for additional ſheets or rolls may be uſed, and of what deſcription.

Second.—If the subject matter of any pleading cannot, under the rule contained in the preceding clause, be conveniently comprised in a single sheet or roll of the stampt paper prescribed for such pleading, any additional sheets, or rolls, which may be required for that purpose, shall be of the description of stampt paper specified in the Section XXXIII. of this Regulation; and any party filing any such pleading not prepared in conformity with the foregoing provisions of this Section shall be punished by fine, at the discretion of the court, not exceeding three times the amount of the additional stampt paper which would have been required if the pleading had been drawn up according to the prescribed rules.

And alſo in reſpect to miſcellaneous petitions or other papers.

Third.—In like manner, any additional sheets or rolls, required to complete any miscellaneous petition or other paper specified in Section XXXII, which cannot, under the rule contained in clause first of this Section, be conveniently comprised in one sheet or roll, shall be of the value and description specified in the said Section XXXII. of this Regulation, under penalty of a fine within the limitations prescribed in the preceding clause.

Diſcretion to be exerciſed by the court if the plaint be written on paper of leſs value than preſcribed by the Regulations.

Fourth.—If, during the trial of any regular suit, it shall appear that the plaint has been written on stampt paper of a less value than that which ought to have been used under the provisions of Section XXV, XXVI, and XXVII, of this Regulation, and the court shall be of opinion that the error or omission did not arise from any fraudulent motive, or from any design on the part of the plaintiff to evade the provisions of the Regulations, it shall be competent to the court either to permit or to direct the plaintiff or appellant in the suit to file a duplicate of the plaint on stampt paper of such value as may be sufficient to complete the full amount of the stampt duty prescribed by the Sections above-mentioned.

No copy of any paper to be authenticated by any public officer, or received in evidence, unleſs tranſcribed on ſtampt paper according to the rates ſpecified in this Section.

XXXV. *First.*—No copy, which may be hereafter made of any paper of the following descriptions, shall be authenticated by any public officer, or received as evidence in any court of judicature, unless transcribed on stampt paper, according to the following rates:

Copies of decrees passed by registers, assistant registers, and by judges of the city and zillah courts, shall be written on paper of the value of one rupee.

Copies of decrees passed by the court of appeal, on paper of two rupees.

Copies of decrees passed by the court of sudder dewanny adawlut, shall be written on paper of four rupees.

Authenticated copies of revenue and judicial proceedings, authenticated copies of accounts, statements, reports, or other documents, which individuals may require for use or reference, shall be written on paper of the value of eight annas.

On what paper copies of decrees for record are to be written.

Second.—But copies of decrees which may be prepared by the courts, to remain with their records, shall be written on unstampt paper, of the same size and description with that which is stampt for the copies thereof, delivered or tendered to the parties.

Copies of papers made for records or official uſe, not required to be written on ſtampt paper.

Third.—Copies also of proceedings or orders, accounts, statements, or other papers, made for records of court or for transmission to other courts or public offices, may be written, as heretofore, on unstampt paper, except in cases in which it may be otherwise specifically provided for in this Regulation.

Copies which individuals may be authorized to make for their own uſe need not be written on ſtampt paper, but ſhall not be authenticated by any ſeal or ſignature.

Fourth.—It is not intended to preclude individuals from making, for their own use and at their own expense, copies of judicial or revenue papers, with the permission of the court, or of the collector or other public officer having charge thereof, upon common paper; but copies so made on unstampt paper shall not be authenticated by any public officer, nor admitted in evidence in any public office whatsoever.

Fifth.—Copies of decrees delivered by native commissioners to parties, are not to be written on stampt paper.

Sixth.—But petitions presented to a zillah judge, to obtain the enforcement of a decree of any native commissioner, shall be written on stampt paper of the value prescribed in Section XXXII. of this Regulation.

Rules regarding the ſtampt paper on which copies of certain documents are required to be written.

XXXVI. All authenticated copies of the documents specified in Section XXIII. of this Regulation, which may be prepared as legal vouchers by a cazee, mooftee, or other authorized person, ſhall be written on ſtampt paper, according to the rates prescribed for the originals of such deeds: any copies not written on such paper will not be admissible in evidence, under Section XIII. of this Regulation.

Security bonds, and other deeds not relating to any ſpecific ſum of money or any ſpecific value due, to be written on ſtampt paper of the value of one rupee.

XXXVII. In explanation of Section XXIII. of this Regulation, it is hereby declared, that security bonds for appearance (hazerzaminee), security bonds for the payment of eventual costs of suit, as well as all other security bonds, not being for a specific amount so as to make it practicable to apply to them the table of rates stated in Section XXIII. of this Regulation, are required to be written on stampt paper of the value of one rupee, under the penalty declared in Section XIII. of this Regulation.

Explanation of certain proviſions in this Regulation.

XXXVIII. *First.*—It is hereby explained, that Sections XXV, XXVI, XXVII, XXVIII, XXX, XXXI, and XXXIII, of this Regulation, are meant to apply only to original regular suits, and to appeals, regular or special, from judgments passed on the merits of such suits; and not to summary suits, or to summary appeals, or to miscellaneous petitions or applications of any description.

On what ſtampt paper pleadings in ſummary ſuits and in miſcellaneous applications are to be written.

Second.—In all original summary suits and summary appeals, authorized by the Regulations, and in all miscellaneous applications, the plaint, petition or application, the answer and other pleadings, shall be written on the stampt paper prescribed in Section XXXII. of this Regulation.

Third.—The provisions of Section XXX. of this Regulation are not intended to apply to exhibits accompanying, or referring to, any miscellaneous petition or application, which were formerly, under Section IV, Regulation VIII, A. D. 1802, not liable to the payment of a fee on such exhibits being filed.

Certain applications made from revenue officers, may be written and filed in the courts on unſtampt paper.

XXXIX. All applications made by the collectors or assistant collectors to the courts of judicature, for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue, may be written upon common paper without a stamp. This rule, however, shall not be considered applicable to any regular suit, in which Government, a collector or an assistant collector, may be a party, either on their own account as individuals or on the part of Government.

Wakalutnamahs and certain other documents declared to be not liable to the ſtamp duty on exhibits.

XL. It is hereby explained, that wakalutnamahs and mokhtarnamahs, arbitration bonds, security bonds for appearance, as well as security bonds for the eventual payment of costs, or for the performance of a decree, or for staying or enforcing the execution of a decree, which may be executed in any original suit or appeal, are not liable to the stamp-duty on exhibits prescribed by Section XXX. of this Regulation.

Exception in favour deeds executed in a foreign juriſdiction.

XLI. The British courts of judicature being open to all descriptions of persons, it is necessary to explain, that nothing hereinbefore declared, in regard to stamped papers, shall prevent the courts from receiving and filing bonds, deeds, or other instruments enumerated in Sections XIII and XXIII, although they may be written upon unstamped paper or other material; provided that the same were executed beyond the limits of the honourable Company's territories; and provided also, that one of the parties thereto, at the least, is not a subject of the British Government, or, both parties being subjects, that the bond or other obligation arose *bonâ fide* out of a transaction originating and completed within a foreign jurisdiction, where stamped paper was not to be procured; and that it was not so executed collusively, with intent to defraud the revenue: the proof of all which conditions must of course rest with the holder of such instrument.

Proviſo.

APPENDIX.

No. 1.

OATH.

" I, *A. B.*, appointed Superintendent of the Stamps, solemnly Swear, That I will diligently and faithfully execute the duties of the said office, according to the best of my knowledge and judgment: and that I will not directly or indirectly derive, or knowingly allow any person to derive, any pecuniary advantage or emolument from, or on account of any matters relating to the said office, excepting such as may be expressly authorized by the Governor in Council.

" So help me GOD."

No. 2.

FORM of Engagement to be executed by Persons appointed to the office of Stamp Darogah.

" I, *A. B.*, appointed by the collector of to be Stamp Darogah, do hereby engage to perform the duties attached to the office of Stamp Darogah. I will carefully count and examine the stamps transmitted from the General Stamp Office, and attest the receipts executed by the collector for the same, and likewise prepare the indents for the supplies of stamps which may be required from the superintendent.

" I will cause the different stamp-venders established in the district to be supplied, in pursuance of such instructions as I may receive from the collector, with proper quantities of stamp paper, and I will carefully examine and compare the accounts of such stamp venders.

" I will be responsible for the accounts of the Stamp Office, and for the value of the paper entrusted to my charge; and I will do every thing in my power to prevent imposition and fraud in the Stamp Office, and will submit to the Collector any information which I may obtain respecting the forgery or fabrication of stamps.

" Executed before me, this day of

(Signed) " *C. D.*"

No. 3.

FORM of Engagement to be executed by Persons appointed to the office of Stamp Vender.

" I, *A. B.*, appointed to vend Stamps at in the Pergunnah of in the district of do hereby engage faithfully to observe the following Conditions:

" 1st. That I will carefully examine every stamp paper which may be entrusted to me for sale, and certify in my receipts for the same, that such paper bears the stamp of Government, and the signature of the superintendent or his assistant.

" 2d. That I will not charge more for any stamp or stamps entrusted to me for sale, than the established price for such stamp or stamps.

" 3d. That I will monthly prepare and deliver to such persons as may be authorized to receive the same, a faithful account of all the stampt paper which may be sold by me, and will likewise specify the balance which may remain in store under my charge, and will on no account allow any person to take stampt paper away, without receiving and bringing to account the price of such stampt paper.

" Executed before me, this day of

(Signed) " *C. D.* Collector."

No. 4.

FORM of Sunnud to be granted to Persons appointed to the office of Stamp Darogah.

(L. S.)

" Whereas *A. B.* has executed the engagement prescribed by Section to be entered into by persons appointed to the office of Stamp Darogah, I, *C. D.*, collector of do hereby constitute and appoint the said *A. B.* to be Darogah of the Zillah Stamp Office under my charge.

" Given under my hand and seal, this day of

(Signed) " *C. D.* Collector."

No. 5.

FORM of Sunnud to be granted to Persons appointed to the office of Stamp Vender.

(L. S.)

" Whereas *A. B.* has duly executed the engagement required by Section to be executed by persons authorized to sell Stamps, I, *C. D.*, Collector of do hereby authorize the said *A. B.* to be a Stamp Vender, and to open an office for the sale of stamps at in the pergunnah of in the district under my charge.

" Given under my hand and seal, this day of

(Signed) " *C. D.* Collector."

RULE ORDINANCE AND REGULATION I, of 1815.

A RULE ORDINANCE and REGULATION, for vesting in His Majesty's Justices of the Peace a general Controul over the sale of Toddy and all other fermented or intoxicating Liquors throughout the Island of Bombay :— Passed in Council the 8th day of March 1815, and registered in the Court of the Recorder of Bombay on the 4th day of July following.

Preamble.

WHEREAS by Rule Ordinance and Regulation II, 1812, a controul over the sale of Arrack and other Spirituous Liquors is vested in His Majesty's Justices of the Peace throughout the Island of Bombay : And whereas, in order to prevent as much as possible the inordinate use of other intoxicating liquors which are highly prejudicial to the health and morals of the people and to the peace and good order of society, it is deemed expedient to extend that authority, and to subject the sale of toddy and all other fermented or intoxicating liquors in like manner to the controul of His Majesty's Justices of the Peace throughout the Island : Be it therefore ordained, by the authority of the Right honourable the Governor in Council now assembled, That from and after the due registry and publication of this Rule Ordinance and Regulation in the Honourable Court of the Recorder of Bombay, each and every one of the eight Articles of Rule Ordinance and Regulation II. of 1812, appertaining to the vend of spirituous liquors, shall also in like manner be held applicable to the retail of toddy and all other fermented or intoxicating liquors, and as such shall have the full force of law within this Island.

His Majesty's Justices of the Peace vested with a general controul over the sale of toddy, and all other fermented or intoxicating liquors, throughout the island.

Rule Ordinance and Regulation II, 1812, made applicable to the retail of toddy, &c.

II. No fee is, however, to be charged on the issue of licenses to the bhandaries or toddy-drawers under this Regulation.

No fee to be charged on the licenses to the bhandaries.

RULE ORDINANCE AND REGULATION II, 1815.

A RULE ORDINANCE and REGULATION, for widening the Wheels of Hackeries and other Native Conveyances:—Passed in Council, on the 7th day of June 1815, and registered in the Court of the Recorder of Bombay on the 20th day of July 1815.

Preamble. WHEREAS the public roads of the Town and Island of Bombay are much prejudiced by the narrowness of the wheels of Carts, Hackeries, and other conveyances; for remedy whereof, Be it ordained by the authority of the Right honourable the Governor in Council now assembled, That from and after the first day of May 1816. the sole or bottom of the fellies of all carts, hackeries and other native conveyances, by whatsoever name or names the same now are or shall or may be called, and which at any time shall be used for the purpose of carrying heavy loads, or goods, wares and merchandizes, or for other purposes of trade or labour, and also all carts or hackeries or other native conveyances, by whatsoever name or names the same now are or shall be called, and which shall be used for pleasure, and shall be drawn by one or more horse or horses without springs, shall be three inches in breadth.

ARTICLE II.

Sole or bottom of the fellies of all carts, hackeries and other native conveyances, to be two inches in breadth. That the sole or bottom of the fellies of all carts, hackeries and other native conveyances, without springs and which shall be drawn by bullocks, or which having springs shall be drawn by one or more horse or horses, shall be two inches in breadth.

ARTICLE III.

All such conveyances to be numbered. Fee for obtaining the same. And for the better discovery of offenders against this present Rule Ordinance and Regulation, it is hereby ordained, That all and every owner or owners of any cart, hackery or other native conveyance, are and is hereby required to apply to the assessor for the time being for the number of his or their cart, hackery or native conveyance, and thereupon the said assessor shall and he is hereby authorized and required, upon payment of one quarter of a rupee for each number, and as often as the same shall be applied for, to grant such number thereof and to mark the same upon such cart, hackery or native conveyance, accordingly.

ARTICLE IV.

Period from which the same is to commence. Penalty for breach of the Regulation. And it is hereby ordained, That from and after the first day of May 1816 no person or persons shall presume to drive or otherwise use any cart, hackery or other native conveyances, with wheels of a less breadth than those hereinbefore specified, or without being numbered as hereinbefore directed, upon pain to forfeit for every such offence the sum of rupees fifty, one moiety of which shall be given to the informer, and the other moiety shall be applied to the repair and preservation of the public roads of the island.

ARTICLE V.

Offences to be tried by the Petty Sessions. And be it further ordained, That the offences against this Rule Ordinance and Regulation, or any thing therein contained, shall be heard and determined in a summary way by the Court of Petty Sessions, upon the oath of one or more credible witnesses, the party accused being summoned to make defence, or upon confession of the party offending.

ARTICLE VI.

Penalties and forfeitures how to be levied. And be it further ordained, That all penalties and forfeitures by this Rule Ordinance and Regulation imposed, shall be levied by distress and sale of the goods and chattels of the offender, or persons liable or ordered to pay the same by warrant or authority of the Court of Petty Sessions.

ARTICLE VII.

Numbers to be renewed annually.

And be it further ordained, That this Rule Ordinance and Regulation shall commence and take effect upon the first day of May one thousand eight hundred and sixteen, and that the number for each and every such cart, hackery or other native conveyance, so required to be registered as aforesaid, shall be renewed at the expiration of each and every twelve calendar months from the first day of May one thousand eight hundred and sixteen.

RULE ORDINANCE AND REGULATION III, 1815.

A RULE ORDINANCE and REGULATION, for enlarging, explaining and amending Rule Ordinance and Regulation I, and Rule Ordinance and Regulation III, of 1812:—The former passed by the Honourable the Governor in Council, on the 25th March 1812, and registered in the Court of the Honourable the Recorder on the 20th of May following; and the latter passed by the Honourable the Governor in Council, on the 4th of November 1812, and registered in the same Court on the 26th day of December next ensuing; and for other beneficial purposes passed by the Right honourable the Governor in Council, on the 5th of July 1815, and duly published and registered in the Court of the Recorder of Bombay on the 15th day of August 1815.

Preamble.

WHEREAS it it expedient that the above Rules, Ordinances and Regulations, so passed as aforesaid, should be further enlarged, explained and amended, and that further powers should be given to the Court of Petty Sessions: Now, Be it therefore ordained by the authority of the Right honourable the Governor in Council now assembled, That from and after the due registry and publication of this Rule Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rule Ordinance and Regulation, consisting of the Articles hereinafter stated, shall have the full force of law within this Island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

ARTICLE I.

Extenſion of the breadth of ſtreets preſcribed by Rule, Ordinance and Regulation III, 1812.

And whereas by the Article I. of the said Rule Ordinance and Regulation the Third, 1812, so intended to be hereby enlarged, explained and amended as aforesaid, it is ordained that the main street through the bazar should be enlarged to the breadth of 40 feet from house to house, that Moodey's-street should be enlarged to the breadth of 35 feet, that Boras-street should be enlarged to 25 feet, and all cross streets within the fort should be of the breadth of 16 feet: And whereas such Article is not sufficiently comprehensive and explicit, Now, Be it ordained, That Church-street shall be enlarged to 45 feet; that the following streets and lanes, viz. Apollo-street, Marine-street, Bazar-Gate-street, and Barrack-street, shall be enlarged to 40 feet; that the following street and lane, viz. Moody-street and Church-lane, shall be enlarged to 35 feet; that the following streets, viz. Forbes-street, Meadows-street and Military-street, shall be enlarged to 30 feet; that the following streets and lanes, viz. Hummum-street, Dean-lane, Tamarind-lane, and Boras-street, shall be enlarged to 25 feet; that the following streets and lanes, viz. Bruces-lane, Byramjee, Hormusjee's-lane, Bakehouse-lane, Golah-lane, Oak-lane, Bells-lane, Musseed-lane, Rutter-field-street, Military-lane, and Nanabhoy Bomanjee's-lane, shall be enlarged to twenty feet, and all other cross streets and lanes shall be extended to sixteen feet.

ARTICLE II.

Penalty for the non-obſervance of the rules preſcribed for perſons deſirous of building or repairing previouſly to their commencement.

And whereas by the tenth and eleventh Articles of the said Third Rule Ordinance and Regulation, it is specially ordained, that all persons desirous of building, repairing or altering any house or tenement, or the boundaries of any ground within the Island of Bombay, are to prefer their applications to the Court of Petty Sessions; and further, that no person shall take down or remove any wall or foundation contiguous or adjoining to any of the main roads or streets throughout the Island of

Bombay, for the purpose of rebuilding the same, or for any other purpose, without an application to the Court of Petty Sessions, communicated to the engineer acting under their orders, and sanctioned by the collector and the said engineer, and finally confirmed by the said Court, in manner more particularly mentioned in the said Article: And whereas, notwithstanding such Rule Ordinance and Regulation, many persons resident within the said Island of Bombay, have, since the passing of the same, repaired and altered, in various ways, their houses and tenements, without having first duly complied with such Rule Ordinance and Regulation, by previously obtaining such certificate as aforesaid: And whereas, many such persons have not desisted from carrying on such alterations or repairs, notwithstanding they have been duly required by the said court so to do; Be it therefore ordained, by the authority aforesaid, that every person who shal. henceforth build, repair, or in anywise alter, or cause to be built, repaired, or in anywise altered, any house or tenement, or the boundaries of any ground contiguous or adjoining to any road, street or lane, in the Island of Bombay, or shall take down or remove, or cause to be taken down or removed, any wall or foundation contiguous or adjoining to any of the said roads, streets or lanes, without having first obtained in writing, duly signed by the clerk to the Petty Sessions, such certificate or final confirmation as aforesaid of such court; or having obtained such certificate or confirmation, shall in anywise wilfully, or with the view of taking any advantage thereof, alter the same, shall pay and forfeit a sum not exceeding 500 rupees, over and above the expense of demolishing any such erection or erections that may have been made without the order or final confirmation of the said Court of Petty Sessions; and which said erection or erections, the said Court of Petty Sessions are hereby expressly instructed and authorized to demolish and remove, in such manner as they shall deem most expedient for the public benefit and convenience; the materials of which such erections may have been formed, being hereby declared to be forfeited to, and to become the property of the Court of Petty Sessions, who are hereby authorized and directed, either to sell the same and carry the amount produced by such sale to the credit of the Police Fund, or to apply the said materials towards repairing the roads of the Island, as may be most expedient.

Unauthorized buildings to be removed.

Their materials forfeited.

How to be disposed of.

ARTICLE III.

And whereas by Article XIII. of the said Rule Ordinance and Regulation III, 1812, certain combustible articles are forbidden to be admitted within the town of Bombay, at any of the gates, unless by special written commission, by order of the Honourable the Governor, or Commandant of the Garrison, or under the signature of the senior Magistrates of Police, or of the Town Major, or Fort Adjutant, who are thereby respectively ordered to keep a registry of all such licenses as may be severally granted by them; all of which articles, on being found within the walls of the said town, are thereby directed to be removed without the gates, by the order of any one of the Magistrates, at the expense of the owners: And whereas, also by Article XV. of the said Rule Ordinance and Regulation, fifty bundles of hay are permitted to be brought for the daily consumption of each horse kept within the walls of the garrison, such hay to be introduced under the authority of the passes therein mentioned, and to be monthly exchanged for new passes, the latter not being issuable till the former be surrendered: And whereas no provision is made by either of the said last before-mentioned Articles, for punishing such persons as may infringe either of the same; Now, Be it ordained, That all persons who shall infringe the said Articles, or either of them, shall, on due proof thereof before the Magistrates in Petty Sessions, be liable to a fine not exceeding thirty rupees for each offence; and which said fine the Magistrates in Petty Sessions are hereby authorized and empowered to impose and levy.

Fine on introducers of combustible materials contrary to orders, within the town of Bombay.

ARTICLE IV.

And whereas by the 17th Article of the said Third Rule Ordinance and Regulation, no lights are allowed in stables, cow or buffaloe houses, within the gates of the fort, except in hanging globe lamps, or lanthorns; and all persons discovered smoking in such buildings are ordered to be taken up: And whereas such Article is not sufficiently extensive in its operation: And whereas no provision is thereby made for otherwise punishing such persons as may infringe such Article; Now, Be it as well ordained, That the provisions in such Article shall from henceforth have effect,

Fine and punishment on persons using lights in stables, contrary to orders.

effect, not merely within the Fort but over the whole Island of Bombay, so that all persons found smoking in such buildings, or in anywise infringing the said Article, shall, on due proof thereof before the Magistrates in Petty Sessions, be liable to punishment by whipping, in such manner as the Court of Petty Sessions shall direct, not exceeding in any case twelve stripes; or to the payment of a fine not exceeding rupees fifty; and which said fine the Magistrates in Petty Sessions are hereby authorized and empowered to impose and levy.

ARTICLE V.

Fine on perſons building houſes of prohibited materials.

And whereas by the 18th Article of the said Rule Ordinance and Regulation, the construction both within the walls of the garrison, and the limits of the native town, of all houses, sheds or huts, whether of tatta and cadjans, or of other materials than stone or brick with tiled roofs, is prohibited; therefore, for the better enforcement of the said Article, it is hereby ordained, That any person constructing any such house, shed or hut, with any other materials than stone or brick with tiled roofs, shall for every such offence forfeit and pay to the Court of Petty Sessions, a sum not exceeding 100 rupees, over and above the expense of demolishing such buildings; and which said building, erection or erections, the said Court of Petty Sessions are hereby expressly instructed and authorized to demolish and remove, in such manner as they shall deem most expedient for the public benefit and convenience; the materials of which such building may be formed, being hereby declared to be forfeited to, and to become the property of the Court of Petty Sessions, who are hereby authorized and directed either to sell the same, and carry the amount produced by such sale to the credit of the Police Fund, or to apply the said materials themselves towards repairing the roads of the Island, as may be most expedient.

Such buildings to be demoliſhed.

Their materials, how to be diſpoſed of.

ARTICLE VI.

Piles of wood and hayſtacks, erected cloſe to the houſes of inhabitants, to be removed by their owners within a given period;

Otherwiſe, by the Petty Seſſions.

Fine on the owners failing to remove them.

And whereas numerous complaints have been made of the danger arising to the lives and properties of the inhabitants of this Island, from the practice of erecting large piles of wood for sale, and haystacks close to the houses of the inhabitants within the Black Town, and frequently in the most populous parts of the Island: It is hereby enacted by the authority aforesaid, That it may be lawful for the Court of Petty Sessions, on the complaint of any person, in consequence of such apprehended danger from any piles of wood, haystacks, or other combustible substances, to examine into the facts; and in case of risk, to order the removal of any such dangerous materials, and if the owner shall fail to remove them within three days after notice given for that purpose to him, that then such materials may be removed by the order of the said Court, who are hereby authorized to impose upon the person so-failing to comply with such order, a fine equal to the expense of removing the same, with a further sum, not exceeding rupees eighty; and which said fines the said Court of Petty Sessions are hereby empowered and authorized to impose and levy.

ARTICLE VII.

Projections and encroachments in ſtreets and paſſages to be removed, by perſons cauſing them, within a preſcribed time;

otherwiſe, by the Petty Seſſions, at the expenſe of ſuch perſons.

And whereas by the 25th and 26th Articles of the said Third Rule Ordinance and Regulation, it is ordained that the Court of Petty Sessions shall and may, at any time after the taking effect of the said Rule Ordinance and Regulation, cause notice to be given in such manner as they shall think proper, to the owner or occupier of any house, building, lands, tenements or hereditaments within the Island of Bombay, from which any penthouse, bow-window, porch, balcony, rail, bulk, sign-post, spout, gutter or other thing, doth or shall hang over or in any way project or encroach upon any street or other public passage, and to the owner or occupier of any stall, shamble or booth, standing in or otherwise encroaching upon any street or other public passage, warning by such notice the said owner or occupier, that he remove or regulate such projection or encroachment in such manner as not to incommode the public; and in case such owner or occupier shall refuse or neglect so to do for the space of fifteen days next after such notice shall have been given to him, that it shall and may be lawful for the said court to cause any and every such penthouse, bow-window, porch, shed, balcony, rail, bulk, sign-post, spout, gutter, stall, shamble, booth, or other encroachment, nuisance, or annoyance, to be removed and regulated in

in such manner as they shall think proper; and such owner or occupier shall forfeit to the said court a sum equal to the expenses and charges which the court shall incur in doing the same; and that no head builder, master carpenter, master mason, or workman shall, in rebuilding or new-fronting any old building situated in or near any street, square, lane, or public way, bring the foundation thereof forward beyond the old foundation, so as to encroach upon any such street, square, lane, or public way; and that every person so offending shall forfeit and pay to the Court of Petty Sessions for every such offence the sum of one thousand rupees, and the owner of such building shall also forfeit and pay to the said court the further sum of one thousand rupees for every month such obstruction or encroachment shall remain, by the foundation of such building being brought forward as aforesaid, after notice given to him or her, or left at the place of his or her last abode by the Surveyor, to remove the same; and that it shall and may be lawful to and for the said court to order the same to be taken down, or regulated in such manner as they shall think proper, and that such owner or occupier shall forfeit and pay to the said court a sum equal to the expenses and charges which the said court shall incur in doing the same: And whereas the said two Articles (together with various others) are inefficient, inasmuch as they do not invest the Magistrates with a power of recovering such forfeitures: And whereas it was and is intended, that in all cases where the Court of Petty Sessions are, by any Rule Ordinance and Regulation empowered to impose fines, or where forfeitures are by any Rule Ordinance or Regulation declared to be payable, that the said court should have full power to enforce the payment thereof: Now, Be it ordained, That all persons who shall at any time be fined by the said court under and by virtue of any power by any Rule Ordinance and Regulation given to the same, or who shall be declared as aforesaid to be liable to any forfeitures, and who shall not immediately discharge the fine or forfeiture imposed on or declared to be payable by him her or them, the amount of such fine, penalty or forfeiture, shall be levied by issuing process against his or her property, by warrants under the hands and seals of two or more of the Magistrates in Petty Sessions (and which warrants the said Magistrates are hereby empowered to issue) to any person they may think proper, directing him to seize and openly sell in some public spot on the Island so much property belonging to the person refusing or omitting to pay the fine, penalty or forfeiture, so by the authority aforesaid imposed upon or declared to be payable by him, her or them, as shall be adequate to defray the amount of the said fine, penalty or forfeiture, and every reasonable expense which may attend the sale of such property seized upon; and if property belonging to such offenders, sufficient to make good the said fine, penalty or forfeiture, be not found, such offender or offenders shall be committed to gaol and kept to hard labour, at the discretion of the said Magistrates, for a period not exceeding two months.

Head builder, master carpenter, master mason, or workmen, prohibited from bringing forward foundations of new buildings beyond the old foundations.

Penalty for non-observance.

Penalty on owners of such buildings till removed.

To be taken down and removed by the Petty Sessions at the cost of the owners.

Costs how to be recovered.

Offenders how to be punished, if possessed of no property.

ARTICLE VIII.

And whereas many and great injuries are done to the public streets, roads and lanes of this Island, by various methods, all of which at least render the same less commodious and passable: Now, Be it ordained, That all persons who shall make or cause to be made any pit, hole or excavation, or lay or cause to be laid any log of timber, filth, rubbish, or any obstruction or annoyance whatsoever, in, under, over or upon any of the public streets, roads or lanes of this Island, or put or cause to be put any stones, filth or other substance, calculated to obstruct the course of the same into any of the drains or sewers under or connected with any of the public streets, roads or lanes of this Island, or who shall in anywise block up or cause to be blocked up any such drains or sewers, shall be liable to such fine or penalty as the nature of the case may require, or the Court of Petty Sessions in its discretion may deem reasonable and fit, so that the same do not for each offence exceed the sum of one hundred rupees.

Fine on all persons making pits, holes, or excavations, or leaving timber, filth, rubbish, &c. on roads, streets and lanes.

ARTICLE IX.

And whereas it is not unfrequent for persons secretly to deposit, principally during the night, various collections of filth and rubbish in the public streets, roads and lanes of this Island, and also to dig pits and holes in the same, whereby it is difficult to ascertain the identical person who deposited or dug the same: Now be it ordained, That in every case where filth or rubbish shall be proved, on the oath

Persons secretly depositing filth and rubbish in the public streets and roads, to be fined on discovery;

of one witness, to be lying, or holes or pits to be dug in the public streets, roads and lanes of this Island, it shall be competent to the Court of Petty Sessions to summon before them the occupier or owner (where the same be not occupied) of the dwelling-house, stable, outhouse or premises against, contiguous, opposite or near to which the said filth or rubbish shall be lying, and to call on such owner or occupier either to remove the same or to produce the person who actually deposited such filth or rubbish or dug such pits (tendering to this court at the same time one competent witness at least to substantiate the fact), or to remove or cause to be removed, at his or her own expense, the said filth or rubbish, or fill up the said pit or hole; and in case such owner or occupier shall fail (when so called upon) either to produce, in such manner as aforesaid, such offending person, or remove such filth or rubbish, or fill up such pit or hole, within the space of one week at furthest, it shall be lawful for the said Court of Petty Sessions to fine such occupier or owner to an extent not exceeding 50 rupees; and in case he, she or they shall refuse to pay such fine, the Magistrates at the said Court of Petty Sessions may at their discretion either levy the same by distress, or commit him, her or them, so refusing to pay the same, to the common gaol, for any period not exceeding one fortnight.

otherwise the owners of the contiguous houses, if they do not remove them within a prescribed term.

Fine how to be recovered.

ARTICLE X.

The erection of arches over the public drains, without permission, prohibited.

And whereas great and essential injury is frequently done to the streets, roads and lanes of this Island, by persons insufficiently building or carrying arches over the public drains, whereby the water is obstructed in its course and thrown out of its proper channel: Now, Be it hereby enacted, That no persons whatsoever shall be at liberty to erect or carry any arch, or place any materials, either temporary or permanent, over any of the public drains of this Island, without first duly obtaining the consent in writing of the Court of Petty Sessions; and any person or persons who shall erect or carry, or cause to be erected or carried, any arch or place, or cause to be placed any materials, either temporary or permanent, over any of the public drains of this Island, without first obtaining such consent as aforesaid, shall be liable to the payment of a fine not exceeding 100 rupees, and which said fine the Magistrates in Petty Sessions are hereby authorized to impose and levy.

Offenders to be fined.

ARTICLE XI.

Prohibition on persons carrying on their different trades in the public roads.

And whereas many persons are seen frequently working and carrying on their different trades in the public roads, to the great annoyance and nuisance of those who are passing by: Now, Be it ordained, That if any persons shall, after the passing this Rule Ordinance and Regulation, be found working or carrying on their trades in any of the public streets, roads or lanes of this Island, other than hawkers and pedlars carrying about from place to place their goods for sale, he shall on conviction before one justice, by confession, or view of the justice, or oath of one witness, forfeit any sum not exceeding ten rupees, and in default of payment shall be committed to the common gaol, there to be kept at hard labour for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such person may, without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed to a constable or other peace officer, in order to be carried before a justice.

Fine on offenders.

Offenders how to be punished in default of payment.

ARTICLE XII.

Timbers, benches, cots, &c. lying on the roads and streets, of which no owners can be ascertained, to be removed, and sold for the benefit of the public fund.

And whereas logs of timber, benches, cots, and other obstructing and annoying substances and articles are frequently found lying in the middle and on the sides of the public streets, roads and lanes of this Island, the owner or owners of which it is difficult to find or as certain: Now, Be it ordained, That the said Court of Petty Sessions shall have full power and authority, and are hereby invested therewith, not only to remove or cause to be removed such logs of timber, benches, cots, and all other obstructing or annoying substances, but also to sell or cause the same to be sold in manner aforesaid for the benefit of the Police Fund; and any person who shall resist or make forcible opposition against the said Court of Petty Sessions or its officers, either when carrying into effect the aforesaid duty, or any other enjoined by any Rule Ordinance or Regulation, shall be amenable to the said court, which, in vindication of its own authority, is hereby empowered to punish all such offenders by fine, not exceeding one hundred rupees, or imprisonment in the

Persons resisting against the Petty Sessions and their officers how to be punished.

the common gaol for not less than one or more than two months, there to be kept at hard labour.

ARTICLE XIII.

Boughs or bodies of trees growing near the highways, and hanging over them, to be lopped, grubbed up, or removed, within a prescribed time, by the owners; otherwise by the Petty Sessions.

And whereas not only the boughs but the bodies of trees growing near the highways, are suffered to hang over the same in such manner as not only to do material injury to the roads, but even to endanger the lives of those who are passing along: Now, Be it therefore ordained, That the Court of Petty Sessions shall have full power and authority, and are hereby invested therewith, to lop, grub up or remove, or cause to be lopped, grubbed up and removed, all such trees hanging over as aforesaid, provided the owner having six days previous notice from the said court of its intentions, (and which notice the said court are hereby enjoined to give,) shall not previously lop, grub up or remove, as the case may require, the said tree or trees so hanging over the roads or endangering the lives as aforesaid of the inhabitants of this Island; and the said court is hereby authorized, for the purposes aforesaid, to enter by itself or officers the compound of all such persons who shall refuse or neglect, having such notice as aforesaid, to lop, grub up and remove such trees as aforesaid.

ARTICLE XIV.

Prohibition on the planting of trees, bushes and shrubs, near the public roads, without permission.

To be removed if unauthorizedly planted.

And whereas much mischief has arisen from trees, bushes and shrubs being planted too near to the public roads of this Island: Now be it ordained, That from and after the passing of this Rule Ordinance and Regulation, no tree, bush or shrub shall be planted along the sides of the highways in this Island, without the permission of the Court of Petty Sessions; and in furtherance of such Ordinance, the said Court of Petty Sessions are hereby invested with power (similar to that in the last Article contained) of removing and grubbing up any such bush or shrub that may be so planted without permission.

ARTICLE XV.

Punishment on persons easing themselves in the public roads, streets, &c.

And whereas in defiance of all decency and to the annoyance of passengers, persons are frequently seen easing themselves in the public roads of this Island; Now be it ordained, That every person easing himself on the beach forming the west side of the Esplanade, or so easing himself on or by the side of or contiguous to any public street, road or lane, shall on conviction before one justice by confession, or view of the Justice, or oath of one witness, forfeit any sum not exceeding three rupees, and in default of payment thereof shall at the discretion of the Magistrates either be committed to the common gaol, there to be kept at hard labour for a time not exceeding one fortnight, or be put in the round-about for half an hour; and every such person may, without warrant, be apprehended by any passenger going by at the time and who shall see such offence committed, and shall be immediately conveyed to a constable or other peace officer in order to be carried before a Justice.

ARTICLE XVI.

Owners and drivers of carriages or horses, violently or furiously driving them, and placing them in parts of roads, &c. to the damage of passengers and other carriages, &c. to be punished.

And whereas many bad accidents happen and great mischief is frequently done upon the street and highways, by the negligence or wilful misbehaviour of persons driving carts, hackeries or carriages or riding horses thereon: it is therefore hereby ordained, That if the driver of any cart, hackery or carriage whatsoever, on any part of any street or highway, shall either drive or ride violently or furiously along, or shall by negligence or misbehaviour cause any damage to any person, or to any cart, hackery or carriage passing upon such street or highway, or shall quit the highway and go on the other side the wall or fence enclosing the same, or wilfully be at such distance from such cart, hackery or carriage whilst it shall be passing upon such highway, that he cannot have the direction of the animals drawing the same, or shall by negligence or misbehaviour prevent or interrupt the free passage of any other cart, hackery or carriage on the highways; or if the driver of any empty cart, hackery or carriage whatsoever, shall refuse or neglect to turn aside for any coach, chariot, chaise, loaded cart or hackery or other loaded carriage, or shall wilfully set or leave any hackery, cart or other carriage, (except only during such reasonable time as the same shall be loading or unloading,

unloading, and standing as near the side of such highway as conveniently may be,) so as to interrupt or hinder the free passage of any other carriage or of His Majesty's subjects, he shall on conviction before one Justice, by confession or view of the Justice, or oath of one witness, forfeit any sum not exceeding 25 rupees, in case the driver shall not be the owner of such carriage, and if the offender be the owner, then any sum not exceeding fifty rupees, and in default of payment shall be committed to the public gaol, there to be kept at hard labour for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such driver offending in either of the said cases may by the authority of this Rule Ordinance and Regulation, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed before a Justice, to be dealt with according to law.

ARTICLE XVII.

That part of Rule Ordinance and Regulation I, 1812, empowering the Court of Petty Seſſions to decide on questions reſpecting caſts, repealed.

And whereas by Article the 11th of Rule Ordinance and Regulation the First, it is enacted, That the Court of Petty Sessions shall possess the power of deciding on all questions respecting the appointment of the officers of Casts, according to the usage of the respective Casts, and decide on all complaints of expulsion from casts, subject nevertheless to an appeal to the Governor in Council: And whereas great inconvenience has arisen and is still likely to arise from interfering in the usages and customs of the natives respecting Casts; it is hereby ordained, that the said 11th Article of Rule Ordinance and Regulation I, 1812, shall be and is hereby repealed.

ARTICLE XVIII.

Plaintiffs, defendants, and witneſſes, regularly ſummoned, how to be puniſhed for non-attendance.

And whereas the course of public justice is frequently delayed and impeded to the great detriment of the public peace, by the non or irregular attendance of parties, as well plaintiffs and defendants, as of witnesses before the said court; Now be it hereby ordained, That the said court of Petty Sessions shall have full power at all times to summon and bring before them all persons whose presence is necessary, to promote the purposes of justice, and in aid of such Ordinance, the magistrates composing the said court of Petty Sessions, are hereby severally authorized at any time to summon and cause to be brought before the said court all persons of that description, and in the event of any person duly summoned not attending as required, the said court, or having attended, departing therefrom without leave of the magistrates composing the same, it shall be competent to the said court to issue a warrant for the apprehension of such person, and when apprehended to punish the offender by fine not exceeding two hundred rupees, and in default of payment, imprisonment in the common gaol for not less than one fortnight or more than two months.

ARTICLE XIX.

The amount of the recognizance for keeping the peace to be paid by the ſecurities of perſons entering into the ſame, on the latter's forfeiture or conviction.

And whereas it is expedient to prevent as much as possible the increase of immoral habits amongst the lower classes of the community: And whereas the commitment of offenders to the common gaol has, in two many instances, the deplorable effect of rendering them worse rather than better members of society; and it being therefore desirable that the magistrates should in all available cases take security for the future good behaviour of those who are brought before them charged with the commission of minor offences, or who appear to be young offenders, a practice from which they are not unfrequently deterred through the difficulty, delay and expense which now attend the putting such securities in force: Now be it therefore ordained, That in every case where a recognizance for keeping the peace, or for future good behaviour, and not exceeding in amount 200 rupees, as to the principal and 100 each as to the securities, shall have been forfeited by the principal entering into the same (and of which forfeiture his conviction before the said court of Petty Sessions, duly entered on the records of the said court) of any offence the perpetration (duly proved) of which by the laws of England would forfeit a security of that description, shall be sufficient evidence, the magistrates in Petty Sessions shall have the power, and are hereby invested with full power and authority to require from the person or persons, who in the character of security or securities shall have become party or parties to such recognizance so forfeited as aforesaid, immediate payment of the sum for the due discharge of which he, she or they shall have made himself

himself, herself, or themselves, in the event of such recognizance being forfeited, liable; and in case he, she or they shall refuse immediately to pay the full amount of the sum for the payment of which he, she or they shall have respectively made himself, herself or themselves in manner aforesaid liable, the amount of such sum shall be levied by issuing process against his, her or their property by warrants under the hands and seals of two or more of the magistrates in Petty Sessions, and which warrants the said magistrates are hereby empowered to issue to any person they may think proper, directing him to seize and openly sell in some public spot on this Island, so much property belonging to the person refusing or omitting to pay the sum so become payable as aforesaid, as shall be equal to defray the amount thereof, and any reasonable expense which may attend the sale of such distrained property, and if property belonging to such person so refusing to pay sufficient to make good the said sum, be not found, such person shall be committed to gaol, and kept to hard labour at the discretion of the said magistrates for any period not exceeding two months. How to be recovered.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1816.

(Presented in pursuance of Act 53 Geo. III. cap. 155, sect. 66.)

Ordered, by The House of Commons, *to be Printed,*
5 *February* 1819.

REGULATIONS Passed by the Governments of India:—Presented to the Honourable House of Commons, in pursuance of an Act of Parliament of the 53d Geo. III. Cap. 155, Sect. 66:—Viz.

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IV.—For allowing prisoners, confined under process of the Civil Courts, to deliver petitions upon unstamped paper, in certain cases, and to make further provision for the treatment of prisoners in the civil jails: - - - - - - - - - - - - Passed on the 9th February 1816 - - - - - ib.

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VII.—For defining the tenure on which certain lands, at present included within the limits of the territories of the British Government, and subject to its general laws and regulations, are to be held as an independent Jageer by his highness Amrut Rao:—
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X.—For preventing the exportation by sea of Salt Petre, from any of the ports subject to the Presidency of Fort William, on vessels not being the property of British subjects; and for prohibiting the importation of that article from the interior into any of the foreign settlements, situated within the limits of the said Presidency: - - - - - - Passed on the 26th April 1816 - - - - - ib.

XI.—For receiving, trying and deciding claims to the right of inheritance or succession, in certain tributary estates in Zillah Cuttack: - - - - Passed on the 10th May 1816 - - - - - p. 15

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XIV.—To provide more effectually for the management of the public Jails; and to enable the Magistrates to maintain good order and discipline in those Jails; as well as among the prisoners employed on the public roads, or other public works.—Also to place the Jail at Allypore in the vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the transportation of convicts to the Island of Mauritius, or its immediate dependencies:—
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II.—By the Governor in Council of Fort St. George, in the Year 1816; N^os I. to XV.

Regulation.
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II.—For modifying some of the provisions at present in force for the collection of customs on certain articles of commerce, in the territories immediately dependent on the Presidency of Fort St. George: - - - - - - - - - - - - - - Passed on the 18th January 1816 - - - - p. 67

III.—For rescinding Regulation VI. of 1806, and for authorizing the Courts of Sudder and Foujdary Adawlut to sanction the occasional adjournment of the Civil and Criminal Courts under the Presidency of Fort St. George: - - - - - Passed on the 23d April 1816 - - - - - p. 69

IV.—For declaring the head inhabitants of villages to be Moonsifs in their respective villages to hear and decide civil suits for sums of money or other personal property to a limited amount, and for defining their jurisdiction: - - - - - - - Passed on the 17th May 1816 - - - - - - ib.

V. For authorizing village Moonsifs to assemble village punchayets for the adjudication of civil suits for sums of money or other personal property, without limitation as to amount or value, within their jurisdictions, and for defining the powers and authority to be vested in such village punchayets:—
Passed on the 17th May 1816 - - - - - p. 75

VI.—For reducing into one Regulation the Rules which have been passed regarding the office of Native Commissioners, for modifying and extending their powers in the trial and decision of civil suits, and for authorizing them, under the designation of district Moonsifs, to discharge certain additional duties; - - - - - - - - - - - - - - Passed on the 17th May 1816 - - - - - p. 81

VII.—For authorizing district Moonsifs to assemble district punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such district punchayets: - - - - - - - - - - - - - - Passed on the 17th May 1816 - - - - p. 93

VIII.—For the appointment of the Hindoo law officers of the provincial courts to be Sudder Ameens, or head native commissioners, for the trial of causes referred to them by the judges of the zillahs in which those courts are stationed, for confining the office of Sudder Ameen to the Hindoo law officers of the provincial courts and the Mahomedan and Hindoo law officers of the zillah courts, and for modifying and extending the power of the Sudder Ameens in the trial and decision of civil suits:—
Passed on the 17th May 1816 - - - - - p. 99

IX.—For reducing into one Regulation certain Rules which have been passed regarding the office of the Zillah Magistrate, for modifying and defining his powers, and for transferring the office of Zillah Magistrate from the Judge to the Collector of the Zillah:—
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XIV.—For amending and modifying the Rules which have been passed regarding the office of Vakeel or native pleader in the Courts of Civil Judicature:—
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XV.—For modifying the jurisdiction of the Zillah and Provincial Courts, and the Court of Sudder Adawlut, in the trial of original suits and appeals; for amending some of the Rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits, and for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees in regular suits and appeals:—
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III.—By the Governor in Council of Bombay, in the Year 1816; N° I. to X.

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Passed on the 31st January 1816 - - - p. 162

II.—For amending part of Regulation II, 1814, intituled, "a Regulation for establishing the office of "Tullaties or Village Accountants, and defining the duties of the said office in the British Territories "under the Presidency of Bombay:" - - - Passed on the 31st January 1816 - - - p. 166

III.—To explain and modify the existing Rules respecting the Records of Proceedings to be kept by the several Courts of Judicature: - - - - Passed on the 10th April 1816 - - - - - - ib.

IV.—For the manufacture and sale of Spirituous Liquors and Toddy in the several Collectorships under the Presidency of Bombay: - - - - Passed on the 17th April 1816 - - - - p. 167

V.—For preventing the exportation by sea of Saltpetre, from any of the ports subject to the Presidency of Bombay, on vessels not being the property of British subjects; and for prohibiting the importation of that article from the interior into any of the foreign settlements situated within the limits of the said Presidency: - - - - - - Passed on the 6th June 1816 - - - - - p. 176

VI.—For defining the date from which the Thakore of Bhownaghur, as a landholder within the Honourable Company's Pergunnah of Gogo, Dhundooka and Rampoor, shall be amenable to the jurisdiction of the courts established for the administration of justice:—
Passed on the 17th July 1816 - - - - - p. 177

VII.—For altering and prescribing the date on which the provisions of Regulation XIV, 1815, intituled, "a Regulation for levying a Stamp Duty on certain Law and other Papers and Documents, "under the Presidency of Bombay, and in the Territories subordinate thereto," are to be considered in force within the Zillahs of Surat and Broach only, and for modifying part of Section XXXII. of the said Regulation, respecting Petitions to be preferred to the Governor in Council:—
Passed on the 14th August 1816 - - - - p. 178

VIII.—For prescribing the manner in which manifests of Goods imported in Dows, Dingeys, Bottellas and every other description of small craft, are in future to be drawn out and delivered into the respective Custom Houses dependent on the Presidency of Bombay:—
Passed on the 16th of October 1816 - - - - ib.

IX.—For vesting the Collector at Anjar, his Assistant and native Commissioners, with powers to hear and determine Civil Suits, and with magisterial authority for the apprehension and trial of persons charged with crimes or misdemeanors: - - - Passed on the 6th November 1816 - - - p. 179

X.—For modifying certain parts of Regulation X, 1813:—
Passed on the 11th December 1816 - - - p. 181

East India House,
4th February 1819.

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1816.—N° I. to XXII.

A. D. 1816. REGULATION I.

A REGULATION for the appointment of a Local Commission for the superintendence of the Revenues, in the provinces of Benares and Behar:—Passed by the Governor General in Council, on the 5th January 1816; corresponding with the 22d Poose 1222 Bengal era; the 20th Poose 1223 Fussily; the 23d Poose 1223 Willaity; the 6th Poose 1872 Sumbut; and the 4th Suffer 1231 Higeree.

Preamble.

WHEREAS it has been deemed advisable to appoint a local commission, for the superintendence of the revenues of the province of Benares, and that part of the province of Behar which is comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, and for the general control of the collectors in the discharge of their public duties in the said provinces,—the following Rules have been enacted, to be in force from the 1st of February 1816; corresponding with the 20th Maug 1222 Bengal era; the 17th Maug 1223 Fussily; the 21st Maug 1223 Willaity; the 3d Maug 1872 Sumbut, and the 1st Rubee-ul-awul 1231 Higeree.

A Commissioner to be appointed for the superintendence of the revenues of the provinces of Benares and Behar, and for the general control of the collectors in those provinces.

II. A Commissioner shall be appointed for the superintendence of the revenues of the province of Benares, and that part of the province of Behar which is comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, and for the general control of the collectors in the discharge of their several public duties in the said provinces.

Duties and powers of the Commissioner in Behar and Benares.

What duties are to be performed by the secretary and accountant to the Commissioner.

III. The Commissioner in the provinces of Behar and Benares is hereby vested with all the duties, powers and authority which have been hitherto exercised in the province of Benares, and in the said portion of the province of Behar, by the Board of Revenue and Board of Commissioners respectively: in like manner the duties hitherto performed by the secretaries and accountants to the Board of Revenue and Board of Commissioners respectively, shall be henceforward performed, so long as this Regulation shall remain in force, by the secretary and accountant to the Commissioner in Behar and Benares.

The superintendence of the Mint at Benares, vested in the Commissioner in Behar and Benares.

IV. The general superintendence of the Mint at Benares, shall be vested in the Commissioner in Behar and Benares, so long as the present Regulation shall remain in force, with the same powers as were vested in the Board of Commissioners by Section V, Regulation I, of 1809, in this behalf.

A. D. 1816. REGULATION II.

A REGULATION for re-establishing the office of Canoongoe in that portion of the province of Behar, which forms the districts of Shahabad, Tirhoot, Sarun and Behar:—Passed by the Governor General in Council, on the 5th January 1816; corresponding with the 22d Poose 1222 Bengal era; the 20th Poose 1223 Fussily; the 23d Poose 1223 Willaity; the 6th Poose 1872 Sumbut; and the 4th Suffer 1231 Higeree.

Preamble.

WHEREAS the office of canoongoe was heretofore established in the province of Behar, and whereas great inconvenience has been experienced both in the collection of the public revenue, and in the administration of justice, from the suppression of the said office,—the following Rules have been enacted, with a view to the revival of the office of canoongoe in all that portion of Behar which forms the districts of Shahabad, Tirhoot, Sarun and Behar, to be in force from the 1st of February 1816; corresponding with the 20th Maug 1222 Bengal era; the 17th Maug 1223 Fussily; the 21st Maug 1223 Willaity; the 3d Maug 1872 Sumbut; and the 1st Rubee-ul-awul 1231 Higeree.

Number of perſons to be appointed to execute the office of canoongoe in each pergunnah, in the diſtricts of Shahabad, Tirhoot, Sarun and Behar.

II. One or two persons shall be appointed to execute the office of canoongoe in every pergunnah of the districts above mentioned, unless the small extent of a pergunnah shall render it advisable to place more than one pergunnah under the same canoongoe.

In what manner they are to be ſelected and appointed to the office of canoongoe.

III. These officers shall be selected, in all practicable cases, by the collectors, from the number of the canoongoes who formerly discharged the duties, and shall be nominated for the approval of the commissioner invested with the control of the public revenue in the province of Behar; and shall not be removable from office, except for sufficient cause proved to the satisfaction of that authority, under the provisions of Regulation V, 1804, and Regulation VIII, 1809.

The office of canoongoe not to be conſidered hereditary. And in the original nomination and in ſupplying vacancies, ſelection to be made of perſons from the families of the canoongoes, who may be beſt qualified to perform the duty.

IV. The office of canoongoe is declared not to be hereditary; but in the original nomination, and in supplying future vacancies, the collectors shall make it a rule, in all practicable cases, to select from the families of the canoongoes such persons as from character, education and acquirements shall be best qualified to perform the duty.

The ſalaries which may be fixed for the ſupport of the canoongoes to be conſidered to preclude all claims to further pecuniary allowances under whatever denomination.
The revenue of the lands hitherto held by canoongoes generally in the province of Behar, in virtue of their offices, liable to reſumption by Government; and this rule to be applicable to perſons who may be appointed to the office of canoongoe under the preſent Regulation, as well as to thoſe who may not be employed in the public ſervice.
Reſervation to the Governor General in Council, to continue to either of the above-mentioned claſſes of perſons, the whole or a part of the lands hitherto held by them reſpectively, free of aſſeſſment.

V. The canoongoes appointed under this Regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances under the denomination of nankar, or any other denomination. It is also hereby declared, that the revenue of the lands hitherto held by the canoongoes generally in the province of Behar, in virtue of their offices, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons who may be appointed to the office of canoongoe under the present Regulation, and to those who may not be employed in the public service. Nothing however contained in this provision, shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons, the whole or a part of the lands hitherto held by them respectively, free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

The above rule not to be applicable to claims to rent-free lands or penſions held by canoongoes, under grants made to them, unconnected with the office of canoongoe.

VI. The above rule is not to be considered applicable to claims to rent-free lands or pensions held by the canoongoes, under grants made to the individuals for reasons unconnected with the office of canoongoe.

VII. The

VII. The canoongoes are to execute the duties herein specified.

Description of the duties to be executed by the canoongoes.

1st. To keep a counterpart jumma wassil bawkee, or account of the collections made by the tehsildars, or by sezawuls, from lands held khaus, or under attachment.

2d. To keep an account of all lands held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to Government.

3d. To keep a list of the putwarries in each village, and a register of pottahs granted by the landholders to their under tenants.

4th. To keep a register of all transfers of estates by sale (public or private) mortgage, lease or otherwise, and to attest such transfers, at the request of the parties, without fee or gratuity, with their official signatures.

5th. To compile information regarding local boundaries of pergunnahs and estates; the number and names of villages, articles of produce, rates of rent, rules and customs established in each pergunnah; and to furnish, at the requisition of the courts of justice, and, of the collectors, all local information within their cognizance.

6th. To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity to the Regulations, or by the landholders or ryotts, and to record the same.

7th. To prepare and keep the information and accounts directed in this, or any future Regulation, in such manner and form as may be from time to time prescribed by the commissioner invested with the control of the public revenue in the said province of Behar.

8th. To report to the collector the death of a malguzar, and the names of his heirs, and to keep a register of all successions to lands.

VIII. Persons who may be selected to fill the office of canoongoe, are hereby prohibited from holding farms, or from becoming sureties for farmers or zemindars, within the local limits of their official duties.

Persons appointed to the office of canoongoe, prohibited from holding farms, or becoming sureties for farmers or zemindars within the local limits of their official duties.

IX. On the death, resignation or removal of a canoongoe, the records of the office are to be made over to his successor, and the magistrate of the zillah is enjoined, on the application of the collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

In the event of the death, resignation or removal of a canoongoe, the records of his office to be made over to his successor, and the magistrate to interpose his authority whenever it may be necessary to enforce the surrender of such records.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding section, to deliver them up on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the Regulations for resistance to the process of the magistrate.

Persons subject to what penalties, on refusing to deliver up the records above mentioned.

XI. Nothing contained in this Regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of canoongoes, or of abolishing the office in any pergunnah where from local circumstances the duty may be performed by less than two persons, or by the canoongoes in a neighbouring pergunnah; nor from exercising the right to increase the number of canoongoes in any pergunnah where from circumstances more than two may be found necessary.

Power reserved to the Governor General in Council, in increasing or decreasing the number of canoongoes in each pergunnah, or of abolishing the office in any pergunnah where it may be deemed expedient.

XII. The collectors are enjoined to report to Government, through the usual channel, all instances wherein they may deem it expedient to increase or diminish the number of canoongoes in a pergunnah, with their reasons at large for such opinion.

Duty of collectors to report to Government, through the prescribed channel, whenever it may be deemed expedient to increase or diminish the number of canoongoes in a pergunnah.

A. D. 1816. REGULATION III.

A REGULATION for rescinding Regulation XII, 1808:—Passed by the Governor General in Council on the 12th January 1816, corresponding with the 29th Poose 1222 Bengal era; the 27th Poose 1223 Fussily; the 1st Maug 1223 Willaity; the 12th Poose 1872 Sumbut; and the 11th Suffer 1231 Higeree.

Preamble.

WHEREAS the settlement of Serampore has, in conformity with the provisions of the Treaty of Peace and Amity, concluded on the 14th January 1814, between His Majesty the King of Great Britain and Ireland, and His Majesty the King of Denmark, been restored to the latter power, it is deemed proper to rescind the Rules and Regulations, enacted by the Governor General in Council, for the administration of Civil and Criminal Justice at Serampore, whilst that settlement remained under the British Government; the Governor General in Council has accordingly been pleased to enact as follows:

Regulation XII, 1808, and other Rules in force in Serampore, rescinded.

II. Regulation XII, 1808, and such other provisions of the existing Regulations as relate to the administration of Civil and Criminal Justice in the settlement of Serampore, are hereby rescinded.

A. D. 1816. REGULATION IV.

A REGULATION for allowing prisoners confined under process of the Civil Courts, to deliver petitions upon unstampt paper in certain cases, and to make further provision for the treatment of prisoners in the Civil Jails:—Passed by the Governor General in Council on the 9th February 1816; corresponding with the 28th Maug 1222 Bengal era; the 25th Maug 1223 Fusily; the 29th Maug 1223 Willaity; the 11th Maug 1872 Sumbut; and the 9th Rubbee-ul-awul 1231 Higeree.

Preamble.

WHEREAS by Section XIX, Regulation XXVIII, 1814, the courts of criminal judicature are declared at liberty to receive petitions on unstampt paper fr m prisoners who may be confined in any of the criminal jails. By Section XX, Regulation IX, 1793, and Section XX, Regulation VI, 1803, the zillah and city magistrates are required to visit their respective jails at least once in every month, and to redress all well-founded complaints of ill treatment; also to be attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick; provisions for a weekly visit to the public jails by the magistrates and surgeons, are also contained in the printed Rules for the management of the public jails, which were passed by Government on the 8th February 1811. By Section LXII, Regulation IX, 1793, and Section XXXII, Regulation VII, 1803, the judges of circuit are likewise directed to visit the zillah and city jails at the stated period of the jail deliveries; and to issue to the magistrates any orders which may appear advisable for the better treatment and accommodation of the prisoners. But these rules have not yet been expressly extended to the civil jails, and the prisoners confined in them under decrees or other process of the civil courts of judicature, although in many respects the stated provisions appear to be equally applicable to such jails and prisoners. The following Rules are therefore enacted, to be in force, as soon as promulgated, throughout the whole of the provinces immediately subject to the Presidency of Fort William.

Courts of civil judicature empowered in certain cases, to receive petitions on unstampt paper from persons in confinement under a decree of court, or under any judicial process, civil or criminal.

II. In addition to the provision contained in Section XIX, Regulation XXVIII, 1814, whereby the courts of criminal judicature are declared at liberty to receive petitions on unstampt paper, from prisoners who may be confined under examination or sentence in any of the criminal jails, it is hereby provided, that the courts of civil judicature may receive petitions upon unstampt paper from prisoners who may be in actual confinement under a decree of court, or under any judicial process, civil or criminal,

criminal, if the court to which the petition may be presented shall be satisfied, by the oath of the party, or otherwise, that he is unable to pay the prescribed stamp duty, for the purpose of delivering such petition upon stampt paper; or without any oath, or proof to this effect, if the petition shall relate to any ill treatment alleged to have been sustained by the prisoner, during his confinement, from an officer of the jail or other person.

III. The judges of the zillah and city courts shall visit the civil jails at their respective stations once in every week; and shall redress all well-founded complaints of ill treatment which may be preferred to them, by the prisoners against the jailer, or other person having charge of them. They shall also be attentive at all times to the health and cleanliness of the prisoners, and be careful that the Surgeons at their respective stations attend and administer to the sick in the civil jail, in like manner as they are required to attend the criminal jail.

Judges of the zillah and city courts to visit their civil jails weekly, and redress ill treatment of prisoners.

Also to attend to health and cleanliness of the prisoners; and be careful that the surgeon attend the sick in the civil jail as in the criminal.

IV. The judges of the courts of circuit who are directed to visit the criminal jails of the zillahs and cities at the periodical jail deliveries, and to issue to the magistrates such orders as may appear to them advisable for the better treatment and accommodation of the prisoners, shall in their capacity of judges of the provincial courts, likewise visit the civil jails at each station; and are empowered to issue to the judges such instructions, being consistent with the general Regulations, as may appear requisite for the better treatment and accommodation of the prisoners in their jails; or for inquiring into and redressing, if established, any alleged grievance or undue restraint, during their imprisonment.

Judges of circuit to visit the civil jails of the zillahs and cities at the periodical jail deliveries, and empowered to issue instructions for the better treatment and accommodation of the prisoners, and for the redress of any grievance or undue restraint

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A. D. 1816. REGULATION V.

A REGULATION for establishing the office of Canoongoe in the district of Cuttack, the pergunnah of Puttaspore, and the several pergunnahs dependent on it:—Passed by the Governor General in Council on the 16th February 1816; corresponding with the 6th Phagoon 1222 Bengal era; the 3d Phagoon 1223 Fusly; the 7th Phagoon 1223 Willaity; the 3d Phagoon 1872 Sumbut, and the 16th Rubee-ul-Awul 1231 Higeree.

WHEREAS the establishment of the office of canoongoe in the district of Cuttack, the pergunnah of Puttaspore and its dependencies, may be expected to be of great public benefit in removing the obstacles which have hitherto impeded the revision of the settlement of the district and pergunnahs above mentioned, and in otherwise facilitating the collection of the public revenue and the administration of justice; the following Rules have been enacted, to be in force from the 1st March 1816; corresponding with the 20th Phagoon 1222 Bengal era; the 17th Phagoon 1223 Fusly; the 21st Phagoon 1223 Willaity; the 2d Phagoon 1872 Sumbut, and the 1st Rubee-us-Sanee 1231 Higeree.

Preamble.

II. One or two persons shall be appointed to fill the office of canoongoe in every pergunnah of the district of Cuttack, in the pergunnah of Puttaspore, and in the several pergunnahs dependent on it, unless the small extent of a pergunnah shall render it advisable to place more than one pergunnah under the same canoongoe.

Persons to be appointed to fill the office of canoongoe, in each pergunnah in the district of Cuttack, and in the pergunnahs dependent on it.

III. These officers shall be nominated by the Collectors of Cuttack and Hidgellee, within their respective local jurisdictions, for the approval of the Board of Revenue, and shall not be removable from office, except for sufficient cause proved to the satisfaction of that authority, under the provisions of Regulation V, 1804, and Regulation VIII, 1809.

In what manner they are to be nominated and removed.

IV. The office of canoongoe is declared not to be hereditary; but in all pergunnahs in which persons may be found who formerly discharged the duties of canoongoe, the officers to be appointed under this Regulation, shall, as far as practicable, be selected from among them; and in supplying future vacancies, the collectors shall make it a rule, in all practicable cases, to select from the families of the canoongoes such persons as from character, education, and acquirements shall be best qualified to perform the duty.

The office of canoongoe not to be considered hereditary.

Mode of fixing the ſalaries of the canoongoes.

V. The canoongoes appointed under this Regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances, under the denomination of nankar, or any other denomination. It is also hereby declared, that the revenue of all lands, the grant of which may be found to have been obtained by any person in virtue of his discharging the duties of canoongoes, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons who may be appointed to the office of canoongoe under the present Regulation, and to those who may not be employed in the public service. Nothing however contained in this provision, shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons the whole or a part of the lands held by them respectively free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

The revenue of lands, held by perſons in virtue of their office of canoongoe, liable to reſumption;

But the Governor General in Council may continue to the claſſes of perſons mentioned in this ſection, the whole or any part of the lands held by them free of aſſeſſment.

The preceding ſection not applicable to claims to lands or penſions held by ſuch perſons under grants made to them unconnected with the office of canoongoe.

VI. The above rule is not to be considered applicable to claims to lands held free of assessment or pensions held by the canoongoes, under grants made to the individuals for reasons unconnected with the office of canoongoe.

Deſcription of the duties to be executed by the canoongoes.

VII. The canoongoes, are to execute the duties herein specified.

1st.—To keep a counterpart jumma wassil bawkee, or account of the collections made by the tehsildars, or by sezawuls, from lands held khaus, or under attachment.

2d.—To keep an account of all lands held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to Government.

3d.—To keep a list of the putwarries in each village, and a register of pottahs granted by the landholders to their under tenants.

4th.—To keep a register of all transfers of estates by sale (public or private) mortgage, lease or otherwise, and to attest such transfers, at the request of the parties, without fee or gratuity, with their official signatures.

5th.—To compile information regarding local boundaries of pergunnahs and estates; the number and names of villages, articles of produce, rates of rent, rules and customs established in each pergunnah; and to furnish, at the requisition of the courts of justice, and of the collectors, all local information within their cognizance.

6th.—To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity with the Regulations, or by the landholders or ryotts, and to record the same.

7th.—To prepare and keep the information and accounts directed in this or any future Regulation, in such manner and form as may be from time to time prescribed by the Board of Revenue.

8th.—To report to the collector the death of sudder malguzars, and the names of their heirs, and to keep a register of all successions to lands.

Canoongoes prohibited from holding farms, or becoming ſureties for farmers or zemindars, within the local limits of their official duties.

VIII. Persons who may be selected to fill the office of canoongoe, are hereby prohibited from holding farms, or from becoming sureties for farmers or zemindars, within the local limits of their official duties.

On the death, reſignation or removal of a canoongoe, the records of his office how to be made over to his ſucceſſor.

IX. On the death, resignation or removal of a canoongoe, the records of the office are to be made over to his successor, and the magistrate of the zillah is enjoined, on the application of the collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

Perſons refuſing to deliver up the records of the office of a canoongoe, ſubject to what penalty.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceeding section, to deliver them up on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the Regulations for resistance to the process of the magistrate.

XI. Nothing

XI. Nothing contained in this Regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of canoongoes, or of abolishing the office in any pergunnah, where from local circumstances the duty may be performed by less than two persons, or by the canoongoes in a neighbouring pergunnah; nor from exercising the right to increase the number of canoongoes in any pergunnah, where from circumstances more than two may be found necessary.

Power reserved to the Governor General in Council, of increasing or decreasing the number of canoongoes in each pergunnah, or of abolishing the office in any pergunnah, where it may be deemed expedient.

XII. The collectors of Cuttack and Hidgellee are enjoined to report to Government, through the usual channel, all instances wherein they may deem it expedient to increase or diminish the number of canoongoes in a pergunnah, with their reasons at large for such opinion.

The collectors of Cuttack and Hidgellee to report whenever they may deem it expedient to increase or diminish the number of canoongoes in each pergunnah.

A. D. 1816. REGULATION VI.

A REGULATION for extending for a further period of three years the existing Settlement of Cuttack, Pergunnah Puttaspore, and its dependencies, in all cases in which the Settlement may have been concluded with Zemindars or actual proprietors of the land:—Passed by the Governor General in Council, on the 8th March 1816; corresponding with the 27th Phagoon 1222 Bengal era; the 24th Phagoon 1223 Fusly; the 28th Phagoon 1223 Willaity; the 9th Phagoon 1872 Sumbut; and the 8th Rubbi-us-sanee 1231 Higeree.

WHEREAS the existing settlement of the district of Cuttack, the Pergunnah Puttaspore and its dependencies, will expire with the present year 1223 Umlee; and whereas the information hitherto acquired by the Government and the revenue authorities, respecting the limits and produce of the several estates comprised within the said district and places, is too imperfect, either with reference to the rights and interests of Government or of the proprietors themselves, to afford grounds for the proper adjustment of an assessment which is to remain fixed in perpetuity; the following Rules have been enacted, to be in force from the date of their promulgation, in the district of Cuttack and in the pergunnah of Puttaspore and its dependencies.

Preamble.

II. The existing settlement of the land revenue of the district of Cuttack and of the pergunnah Puttaspore and its dependencies shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1226 Umlee, subject to the following provisions.

The existing settlement of Cuttack, and of the pergunnah of Puttaspore and its dependencies, to continue in force until the expiration of the year 1226 Umlee.

III. If any zemindars who have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the ensuing year 1226 Umlee, they shall notify the same to the collector of Cuttack, or to the collector of Hidgellee, according as the lands may be subject to the authority of either of those officers, on or before the 1st July next, corresponding with the 19th Assaur 1223 Bengal era; the 21st Assaur 1223 Fusly; the 20th Assaur 1223 Willaity; the 6th Assaur 1873 Sumbut; and the 4th Sabaun 1231 Higeree.

Zemindars who may not be willing to continue their engagements to the expiration of the year 1226 Umlee, to notify the same on or before the 1st July 1816.

IV. All zemindars who shall not make a notification to the effect and within the period above mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue during the ensuing three years, viz. until the expiration of the year 1226 Umlee, as may be specified in their engagements for the year 1222 Umlee, and is demandable from them on account of the present year 1223 Umlee, under the provisions of Regulation III, 1815.

All zemindars who may not make a notification to the effect and within the period above mentioned, declared to be responsible for the payment of the same revenue as may be specified in their engagements for the year 1222 Umlee.

V. With respect to the lands which were let to farm in the year 1222 Umlee, and which were by special indulgence continued in the occupancy of the farmers during the year 1223 Umlee, under the provisions of Regulation III, 1815, as well as lands now held khaus, the settlement of all such lands shall be formed for the ensuing three years with the zemindars or other actual proprietors of land, supposing such

The settlement of lands let to farm or held khaus, how to be adjusted.

such persons to be willing to engage for the payment of the public revenue on such terms as may appear reasonable, according to the most accurate information obtainable regarding the produce of their lands.

The collectors how to proceed in cases in which the zemindars may decline to engage for the payment of the revenue demandable from them on account of such lands, or in which no acknowledged proprietors of the lands may be forthcoming.

VI. In cases in which the zemindars may decline to engage for the payment of the reveuue demandable from their lands during the ensuing three years, or in which no acknowledged proprietors of lands may be forthcoming, it will of course be the duty of the collector to consider whether the lands should be let to farm, or whether the rents should be collected directly from the great body of the ryots; or in other words, whether the lands shall be khaus, or whether (which will probably be found to be the most convenient and beneficial method) a settlement should be formed for the above period of three years, for the several villages, with the head ryot, however denominated, of each village respectively.

A. D. 1816. REGULATION VII.

A REGULATION for defining the tenure on which certain Lands at present included within the limits of the Territories of the British Government, and subject to its general Laws and Regulations, are to be held as an independent Jageer by His Highness Amrut Rao:—Passed by the Governor General in Council, on the 22d March 1816; corresponding with the 11th Chyte 1222 Bengal era; the 9th Chyte 1223 Fussily; the 12th Chyte 1223 Willaity; the 9th Chyte 1873 Sumbut; and the 22d Rubbi-us-sanee 1231 Higeree.

Preamble.

WHEREAS a tract of land, situated near the town of Teroha in the district of Bundlecund, has been granted as an independent Jageer by the British Government to his highness Amrut Rao, for the residence of his highness, his dependents and attendants; and whereas it is consequently necessary that the operation of the Laws and Regulations of the British Government, and the jurisdiction of the civil and criminal courts of judicature, should cease to extend to that Jageer; the following Rules have been enacted, to be in force from the date of this Regulation.

The jurisdiction of the civil and criminal courts of judicature, and the operation of the general Regulations, not to extend to the tract of land granted in Jageer to his highness Amrut Rao in Bundlecund.

II. From and after the date of this Regulation, the jurisdiction of the courts of civil and criminal judicature, and the operation of the general Regulations, shall not extend to the tract of land situated near the town of Teroha in the district of Bundlecund, which has been granted as an independent Jageer to his highness Amrut Rao, for the residence of his highness, his dependents and attendants.

Courts of criminal justice to take cognizance of crimes committed beyond the defined limits of the above mentioned Jageer, by any of his highness's followers or dependents.

III. Nothing in this Regulation shall be construed to preclude the courts of criminal justice from taking cognizance, under the existing Rules and Regulations, of any crimes or offences which may be committed in the district of Bundlecund, or in any other part of the British territories beyond the defined limits of the Jageer, by any of his highness's followers or dependents, or by any other persons ordinarily residing in the Jageer in question.

The provisions of Regulation V, 1809, and Regulation VIII, 1813, applicable to native subjects of the British Government, who may be charged with crimes committed within the above mentioned Jageer.

IV. The provisions of Regulation V, 1809, and of Regulation VIII, 1813, are hereby declared to be applicable to native subjects of the British Government, who may be charged with crimes and misdemeanors committed within the limits of the Jageer granted to his highness Amrut Rao, in Bundlecund.

A. D. 1816. REGULATION VIII.

A REGULATION for establishing the office of Superintendent and Remembrancer of Legal Affairs:—Passed by the Governor General in Council, on the 29th March 1816; corresponding with the 18th Cheyte 1222 Bengal era; the 16th Cheyte 1223 Fusly; the 19th Cheyte 1223 Willaity; the 1st Cheyte 1873 Sumbut; and the 29th Rubbi-us-Sanee 1231 Higeree.

Preamble.

THE duty of determining on the propriety of instituting or defending, on the part of Government, original suits or appeals in the several courts of civil judicature, rests, under the existing Regulations, with the Governor General in Council, and with the

the several boards, acting under his authority in different departments.—With a view to afford further facilities in the discharge of a duty which so materially involves the reputation as well as the interests of the Government, it is deemed advisable that an officer should be appointed, who, in the quality of superintendent and remembrancer of legal affairs, may aid the said authorities, in such manner as may on experience be deemed most convenient, as well in the conduct of important suits and appeals when instituted, as generally in deciding on the propriety of having recourse to the established courts of justice for the recovery or maintenance of the rights and interests of Government.—It is conceived also, that the public convenience will be in other respects promoted by the appointment of an officer of this description, whose services may, in certain cases of more than ordinary importance, be available in matters of a criminal as well as of a civil nature; and who may be employed by Government in the conduct of other judicial concerns in any mode not inconsistent with the existing Regulations. The following Rules have accordingly been enacted, to be in force from the date of the promulgation of this Regulation throughout the whole of the provinces immediately subject to the Presidency of Fort William.

II. A covenanted servant of the Company shall be appointed to the office of superintendent and remembrancer of legal affairs.

A covenanted servant to be appointed to the office of superintendent and remembrancer of legal affairs.

III. It shall be competent to the Governor General in Council to avail himself of the services of the superintendent and remembrancer of legal affairs in the maintenance of the public interests, by directing him to furnish such aid in the conduct of cases in which Government may be concerned, in the civil or criminal courts of justice, as may be deemed advisable.

The superintendent and remembrancer is to furnish such aid in the conduct of cases in which Government may be concerned, in the civil or criminal courts of justice, as may be deemed advisable.

IV. It shall moreover be the immediate duty of this officer to furnish an opinion on the merits of any case that may be referred to him for the purpose, either by the Government or by any other authority duly authorized by this Regulation; distinguishing clearly in each case whether the determination of the depending question rests upon matter of fact, or upon the provisions of the Regulations of the British Government, or lastly upon the principles of the Hindoo and Mahomedan laws. In the last mentioned case, it shall be the duty of the superintendent and remembrancer uniformly to consult the proper law officer attached to the Sudder Dewanny Adawlut, and Nizamut Adawlut, previously to submitting his opinion on the subject.

And to furnish an opinion on the merits of any case that may be referred to him for the purpose, by the public authorities duly authorized by this Regulation.

V. In carrying into effect the provisions of the second and third clauses of Section III, Regulation II, 1814, and previously to determining on the propriety of authorizing a recourse to judicial process, the Board of Revenue, the Board of Commissioners in the Ceded and Conquered Provinces, the Commissioner in Behar and Benares, and the Board of Trade are authorized to call for the sentiments, and to avail themselves of the assistance of the superintendent and remembrancer of legal affairs, in such manner as they may deem expedient, under the instructions which may be communicated to them for that purpose by the Governor General in Council.

In what cases the several boards or other public authorities may avail themselves of the services of the superintendent and remembrancer of legal affairs.

VI. The provisions of Clause Third, Section XXXVII, Regulation XXVII, 1814, are hereby declared to be equally applicable to the superintendent and remembrancer of legal affairs as to the other officers and authorities adverted to in that clause.

The provisions of Clause Third, Section XXXVII, Regulation XXVII, 1814, declared to be equally applicable to the superintendent and remembrancer of legal affairs as to the authorities adverted to in that clause.

VII. *First.*—In modification of the rule contained in the Second Clause, XXXVII. Section, Regulation XXVII, 1814, the following provisions are enacted.

Clause Second, Section XXXVII, Regulation XXVII, 1814, modified by this Regulation.

Second.—On the occasion of vacancies occurring in the office of the vakeels of Government in the courts of justice, such courts shall not nominate any individual to succeed to the office, but shall merely report the circumstance, for the information of government, to the secretary in the judicial department.

On vacancies occurring in the office of the vakeels of Government, the courts of justice are merely to report the circumstance, for the information of Government, to the secretary in the Judicial Department.

Third.—It will rest with Government to ascertain, by such inquiries as they may deem necessary, which of the constituted pleaders of the court is best fitted by his qualifications and character to succeed to the vacant office, and to appoint such individual accordingly.

The Government will ascertain which of the pleaders may be best fitted to succeed to the vacant office.

Suits instituted under Clause IV, Section III, Regulation II, 1814, how to be entered on the file.

VIII. In cases in which a party preferring a petition of complaint against a collector of the land revenue, or of customs, or against a commercial resident, or other person amenable to the courts of civil judicature, for acts connected with his official duties, may not be considered entitled to redress from Government, under the provisions of Clause Third, Section III, Regulation II, 1814; and who may consequently, under the fourth clause of that section, proceed to prosecute the case in the regular course of law, such suit shall be entered on the file of the court from the date on which the petition was originally received, and the case shall be brought to a hearing and determination in the order in which it would have been heard and determined had it been originally instituted on such date.

A. D. 1816. REGULATION IX.

A REGULATION for the appointment of a Commissioner of Revenue within that portion of the districts of the 24-Pergunnahs, Nuddea, Jessore and Backergunge, commonly denominated the Sunderbuns:—Passed by the Governor General in Council, on the 26th April 1816; corresponding with the 15th Bysack 1223 Bengal era; the 14th Bysack 1223 Fusly; the 16th Bysack 1223 Willaity; the 14th Bysack 1873 Sumbut; and the 27th Jumadee-ul-awul 1231 Higeree.

Preamble.

WHEREAS it has appeared advisable to appoint an officer for the performance of certain duties connected with the public resources in the tract of country ordinarily called the Sunderbuns; the following Rules have been enacted, to be in force from the 1st of May 1816; corresponding with the 20th Bysack 1223 Bengal era; the 19th Bysack 1223 Fusly; the 21st Bysack 1223 Willaity; the 4th Bysack 1873 Sumbut; and the 2d Jumadee-us-sanee 1231 Higeree.

Appointment of a commissioner in the Sunderbuns, to be vested with the same authority as collectors.

And to be subject to the control of the Board of Revenue.

II. An officer shall be appointed under the appellation of Commissioner in the Sunderbuns.—The commissioner in the Sunderbuns shall be vested, within such local limits as may be from time to time established by the Governor General in Council, with all the duties, powers and authority which have been or may be exercised by the collectors of land revenue (including the charge of the Abkarry Mehal) under the Rules and Regulations which have been or may be enacted; and shall be subject to the control and superintendence of the Board of Revenue, in the same manner as the collectors of the several zillahs situated within the limits of their authority.

A. D. 1816. REGULATION X.

A REGULATION for preventing the exportation by sea of Salt Petre, from any of the Ports subject to the Presidency of Fort William, on vessels not being the property of British Subjects; and for prohibiting the importation of that article from the interior into any of the foreign Settlements situated within the limits of the said Presidency:—Passed by the Governor General in Council, on the 26th April 1816; corresponding with the 15th Bysack 1223 Bengal era; the 14th Bysack 1223 Fusly; the 16th Bysack 1223 Willaity; the 14th Bysack 1873 Sumbut; and the 27th Jumadee-ul-awul 1231 Higeree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the promotion of the commercial intercourse between India and Great Britain, and to the general interests of the British nation, to prohibit the exportation of Salt Petre from the ports subject to the Presidency of Fort William, otherwise than on vessels belonging to British subjects, and likewise to prohibit the importation of the said article into any of the ports, settlements, factories or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories of the said Presidency; the following Rules have been enacted, to be in force throughout the territories immediately subject to the Presidency of Fort William from the date of the promulgation of this Regulation.

Salt Petre not to be exported on any other than vessels belonging to British subjects.

II. The exportation by sea of Salt Petre, from any of the ports subject to the Presidency of Fort William, except on vessels belonging to British subjects, is hereby prohibited.

III. The

III. The importation of Salt Petre from the interior into any of the settlements, ports, factories or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories dependent on the Presidency of Fort William, except in the cases provided for in Section VIII. of this Regulation, is hereby strictly prohibited.

The importation of it from the interior, into any foreign settlements prohibited, Exception.

IV. All Salt Petre attempted to be exported by sea from any of the ports subject to the Presidency of Fort William, otherwise than on vessels belonging to British subjects, shall be liable to seizure and confiscation, and all Salt Petre attempted to be imported into any of the foreign settlements referred to in the above section, shall be liable to seizure and confiscation, together with all boats, carriages and cattle on which it may be laden.

On breach of the foregoing Rules, the Salt Petre liable to seizure and confiscation.

V. The officers of customs are hereby required to use their utmost endeavours to enforce the above prohibition; for which purpose they are hereby authorized and enjoined to detain all Salt Petre which they may discover in the act of being shipped on board any foreign vessel lying in any of the ports subject to the Presidency of Fort William, or of being taken within the limits of the said foreign settlements, in opposition to the provisions of this Regulation: It shall be the duty of the officers of the police, on due application being made to them for that purpose, to give every requisite aid and support to the officers in the department of customs in carrying this provision into effect.

Duty of the custom officers to enforce the prohibition.

VI. Salt Petre detained under the Rule contained in the above section shall, within twenty-four hours of its seizure, be delivered to the nearest collector of government customs.

Salt Petre where to be delivered on seizure.

VII. The Rules contained in Section XXXIII, Regulation IX, 1810, shall be applicable to all Salt Petre detained on the ground of its being liable to confiscation under the provisions of this Regulation, any thing contained in the second clause of that section to the contrary notwithstanding; provided, however, that nothing shall be understood as authorizing the Board of Revenue to permit the exportation of Salt Petre on foreign bottoms, or the importation of that article into any of the foreign settlements.

Section XXXIII, Regulation IX, 1810, how far applicable to Salt Petre under seizure. Proviso.

VIII. Individuals residing within the limits of any foreign settlement shall be allowed to take within the same, such quantity, not exceeding one maund, as the collector of customs of Hooghly shall be satisfied is necessary for their private consumption or for retail sale. In all such cases, application shall be made to the said collector of government customs, who will, at his discretion, grant a pass, specifying the name of the person in whose favour it is granted, and the quantity of Salt Petre to be taken, and certifying that the same is for private use or retail sale. No pass so granted shall be in force for more than twelve hours.

What quantity allowed to be taken by individuals residing within foreign settlements.

A. D. 1816. REGULATION XI.

A REGULATION for receiving, trying and deciding claims to the right of Inheritance or Succession, in certain Tributary Estates in Zillah Cuttack:— Passed by the Governor General in Council, on the 10th of May 1816; corresponding with the 29th Bysack 1223 Bengal era; the 28th Bysack 1223 Fusly; the 30th Bysack 1223 Willaity; the 14th Bysack 1873 Sumbut; and the 11th Jumadee-us-Sanee 1231 Higeree.

WHEREAS it is necessary that provision should be made for receiving, trying and deciding claims to the right of inheritance or succession in certain tributary estates in zillah Cuttack, which were excepted by Section XI, Regulation XIV, 1805, from the operation of the general Rules for the administration of civil justice, established in the provinces of Bengal, Behar and Orissa; and whereas the nature of the tenures by which those estates are held, the character of the inhabitants, and other local circumstances, render it expedient that the estates in question should not be subject to partition, but should descend entire and undivided to the persons respectively having the most substantial claim according to local and family usage; the following Rules have been enacted, to be in force from the date of the promulgation of this Regulation in zillah Cuttack.

Preamble.

II. All

Claims to the right of inheritance or succeſſion to certain tributary eſtates in Cuttack, how to be tried.

II. All claims to the right of inheritance or succession to any of the under mentioned tributary estates, are to be heard, tried and determined, in the first instance, by the superintendent of the tributary Mohauls in zillah Cuttack.

Killah - - Neelgery,	Killah - - Kindeaparah,
Ditto - - Bankey,	Ditto - - Neahgurh,
Ditto - - Joormoo, alias Duspullah,	Ditto - - Rampore,
Ditto - - Nursingpore,	Ditto - - Hindole,
Ditto - - Angole,	Ditto - - Teegereah,
Ditto - - Talcher,	Ditto - - Burumbah,
Ditto - - Autgurh,	Ditto - - Dekenal,
Ditto - - Keonjur,	The Territory of Mohurbunge.

On what laws and uſages ſuch claims are to be decided. Proviſo.

III. The superintendent, in deciding cases of the above nature, shall be generally guided by the established laws and usages of the respective tributary estates. Provided however, that the estates above enumerated shall in no case be considered liable to be divided according to the Hindoo law, but shall descend entire to the person having the most substantial claim according to local and family usage.

Suits not cognizable, if the cauſe of action aroſe before the 14th of October 1803.

IV. The superintendent is prohibited from taking cognizance of any suit, the cause of action in which shall have arisen antecedent to the 14th day of October 1803, the date on which the fort and town of Cuttack were surrendered to the British arms.

The pleaders of the civil court are to attend the ſuperintendent's court, and entitled to fees.

V. The established pleaders of the zillah court shall attend the superintendent's court, to be held in the court house of the zillah adawlut; and they shall receive the same fees as are authorized on the pleading of causes in the zillah courts; subject of course to the prescribed rules in the cases of paupers.

The Hindoo law officer of the zillah court is to expound the Hindoo law when requiſite.

VI. The Hindoo law officer of the zillah court is to expound the Hindoo law, in all cases wherein it may be requisite for the due determination of causes pending before the superintendent.

Rules regarding the iſſuing of proceſſes by the ſuperintendent.

Penalty for reſiſtance of proceſs.

VII. All processes issued in suits instituted under this Regulation shall bear the official seal and signature of the superintendent; and shall be executed by the officers on his establishment, in like manner as all similar processes issued by the judge of the zillah court are executed; and any disobedience and resistance to his process shall be liable to a fine to Government to be fixed by the superintendent, subject to the confirmation of the court of Sudder Dewanny Adawlut; or, if the offender be a landholder or sudder farmer, and the case appear to call for it, by a confiscation of his estate or farm, commutable to a fine by the Sudder Dewanny Adawlut, or Governor General in Council.

Rules to be obſerved by the ſuperintendent, in the trial of all ſuits inſtituted under this Regulation.

VIII. In the trial of all suits instituted under this Regulation, the superintendent shall be guided by the general rules prescribed for the trial of civil causes before the judges of the zillah courts, subject to the special provisions contained in this Regulation, or in points not specially provided for, to any qualification of the general rules which may be found expedient, and may be sanctioned by the court of Sudder Dewanny Adawlut.

Stampt paper ſhall not be required in theſe ſuits.

IX. It shall not be requisite to use stampt paper for the plaints, pleadings, decrees, or any papers relative to suits instituted under this Regulation; nor shall any durkhaust on stampt paper be required for the admission of exhibits, or the issue of summonses to witnesses, in such suits, when tried in the first instance, or in appeal.

Depoſit to be made on account of the pleader's fee.

X. When the plaintiff or defendant may appoint a pleader to prosecute or defend a suit under this Regulation, he shall deposit in the court a sum equal to the amount of the pleader's fee, unless from the oath or solemn declaration of the party, or from the evidence of two credible witnesses, the superintendent shall be satisfied of the inability of the plaintiff, or defendant to make such deposit; in which case he shall be admitted as a pauper, and the stated deposit shall not be required.

Exception in caſes of paupers.

An appeal may be made from the ſuperintendent's deciſion to the Sudder Dewanny Adawlut.

XI. In all suits decided and orders passed by the superintendent under this Regulation, an appeal from his decisions and orders shall lie to the court of Sudder Dewanny Adawlut, provided that the petition of appeal be preferred within three months after the decree or order appealed from shall have been passed.

XII. The

Rules to be obſerved on admitting a petition of appeal.

XII. The petition of appeal shall be presented to the superintendent, and shall contain a full and explicit statement of the appellant's objections to the decree or order from which he is desirous to appeal. The appellant, if not admitted as a pauper under Section X, shall at the same time tender good security for the payment of any costs which may be adjudged on the determination of the appeal by the Sudder Dewanny Adawlut, or if unable to give such security, shall make oath or subscribe a solemn declaration to his inability, or adduce two creditable persons to prove the same.

Duty of the ſuperintendent on receipt of a petition of appeal.

XIII. On receipt of the petition of appeal, with the prescribed security, or proof of inability required in failure thereof, the superintendent shall cause a copy to be made of the decree or order from which the appeal may be required, and within fifteen days shall certify and transmit the same, with the petition of appeal, to the court of Sudder Dewanny Adawlut.

Courſe to be purſued if the petition of appeal be admitted by the Sudder Dewanny Adawlut.

XIV. *First.*—When the court of Sudder Dewanny Adawlut may admit the appeal, they will cause a precept to be issued, under the seal of the court and the signature of the register, addressed to the superintendent, requiring him, within such period as may be limited by the precept, to furnish a complete record of all papers received and proceedings held in the case; and also to call upon the respondent or respondents for his or their answer, or to appear in person or by vakeel, within a certain time, before the Sudder Dewanny Adawlut, and deliver his or their answer to that court.

The ſuperintendent to comply with the exigency of precepts of the Sudder Dewanny Adawlut.

Second.—The superintendent, on receipt of the precept, shall comply with the exigency thereof, as required; or in the event of his not being able to carry the same into complete execution within the prescribed period, shall certify the same to the court of Sudder Dewanny Adawlut, with notice of the period within which a further return will be made.

The parties may plead their own cauſes in appeal, or may appoint vakeels, or may deliver their proceedings to the ſuperintendent of the tributary Mehauls. Duty of the ſuperintendent in ſuch caſes.

XV. It shall be optional with appellants and respondents, in appeals to the Sudder Dewanny Adawlut, under this Regulation, to attend in person or by vakeel for the prosecution or defence of their appeals before that court; or to deliver their proceedings to the superintendent of the tributary Mehals; who, in the latter case, shall forward them, as soon as received, to the Sudder Dewanny Adawlut, and communicate to the parties any orders which may be issued by that court.

The Sudder Dewanny Adawlut may either refer the cauſe back to the ſuperintendent or direct further evidence.

XVI. In cases wherein it may appear to the court of Sudder Dewanny Adawlut, that the cause in appeal has not been sufficiently investigated, and consequently that further evidence is required for the just determination of it, that court is empowered to refer the cause back for further trial and judgment to the superintendent, or to direct that further evidence be taken and transmitted to the court.

The proviſions of Section III. declared applicable to the deciſions paſſed by the Sudder Dewanny Adawlut.

XVII. The provisions contained in Section III, by which the decisions passed by the superintendent are to be governed, shall be considered equally applicable to the decisions of the Sudder Dewanny Adawlut in all appeals under this Regulation.

Alſo the principles of Sections IV, V, VI, VIII, IX. and X. of this Regulation.

XVIII. The principles of the several provisions contained in Sections IV, V, VI, VIII, IX. and X. of this Regulation, shall also be considered applicable to all appeals from decisions or orders of the superintendent of the tributary Mehals in zillah Cuttack, which may come before the court of Sudder Dewanny Adawlut.

The execution of the decree paſſed by the ſuperintendent to be poſtponed, if the appellant ſhall give ſufficient ſecurity.

XIX. *First.*—In cases of appeal to the Sudder Dewanny Adawlut from any decree or order of the superintendent involving a transfer of property, or any change in the actual possession of property, the decree or order appealed from shall not be carried into execution during the appeal to that court, provided the appellant shall give good and sufficient security for the performance of the final decision which may be passed upon the appeal; and in no instance shall the superintendent cause to be carried into execution any such decree or order passed by him, until the period allowed for the appeal may have elapsed.

If appellant fail to give ſecurity, *the decree ſhall be executed, provided the reſpondent gives ſufficient* ſecurity.

Second.—In the event of the appellant's not giving security for staying the execution of the decree appealed from, and of its being consequently put into execution whilst an appeal is pending, good and sufficient security shall be taken from the respondent for the performance of the final decision which may be passed upon the appeal.

 Third.—In

In caſe neither party ſhall be able to give the requiſite ſecurity, the eſtate in diſpute ſhall be attached.

Third.—In case neither party shall be able to give the requisite security, the estate in dispute shall be attached by order of the superintendent, until the security required shall be received, or until the final determination be passed by the Sudder Dewanny Adawlut upon the case.

Previous to the execution of any decree, whether of the ſuperintendent or of the Sudder Dewanny Adawlut, a communication muſt be made to Government.

Fourth.—No decree or order, whether of the superintendent of the tributary Mehals, or of the Sudder Dewanny Adawlut, involving a transfer of the property or an actual change in the possession of any of the estates enumerated in Section II. of this Regulation, shall be carried into execution without a previous communication being made by the Sudder Dewanny Adawlut to Government; in order that sufficient time may be afforded for the adoption of any precautionary measures which may be eventually judged requisite to support and enforce the execution of the decree or order without hazard to the public tranquillity.

To what amount the deciſions of the Sudder Dewanny Adawlut ſhall be conſidered final.

XX. *First.*—The judgments of the Sudder Dewanny Adawlut shall be final and conclusive in all appeals heard and determined by that court under this Regulation, within the limitation of appeals to the King in Council, prescribed by the Statute 21 George III, Cap. LXX, Section XXI, viz. five thousand pounds, or sicca rupees 43,103.

An appeal to the King in Council may be made in certain caſes, and ſhall be received by the Sudder Dewanny Adawlut.

Second.—If the amount or value adjudged shall, exclusive of costs of suit, exceed the sum of 5,000 *l.* or sicca rupees 43,103, a further appeal will be open to His Majesty in Council; and shall be received by the Sudder Dewanny Adawlut, under the provisions which have been enacted for receiving such appeals in Regulation XVI, 1797.

A. D. 1816. REGULATION XII.

A REGULATION for the establishment of a Custom-house at Cox's Bazar, for the collection of Government Customs:—Passed by the Governor General in Council, on the 17th May 1816; corresponding with the 5th Jeyte 1223 Bengal era; the 6th Jeyte 1223 Fusly; the 6th Jeyte 1223 Willaity; the 6th Jeyte 1873 Sumbut; and the 18th Jumadee-us-sanee 1231 Higeree.

Preamble.

WHEREAS it has been deemed advisable to establish a custom-house in the southern division of the district of Chittagong, for the collection of government customs on articles of merchandize, the following Rules have been enacted, to be in force from the period of the promulgation of this Regulation.

A cuſtom-houſe to be eſtabliſhed in the southern division of Chittagong,

For the collection of duties under the general Regulations.

II. A custom house for the collection of government customs shall be established at Cox's Bazar, or at such other station in the southern division of the district of Chittagong as may be deemed expedient; and the general Rules which are at present in force, or which may be hereafter enacted with respect to the said customs in other parts of the country, shall be considered applicable to the said station of Cox's Bazar, in common with those established in other parts of the country.

A. D. 1816. REGULATION XIII.

A REGULATION for reducing into one Regulation, with alterations and amendments, the Rules at present in force respecting the manufacture and sale of Opium:—Passed by the Governor General in Council on the 17th May 1816; corresponding with the 5th Jeyte 1223, Bengal era; the 6th Jeyte 1223 Fusly; the 6th Jeyte 1223 Willaity; the 6th Jeyte 1873 Sumbut; and the 18th Jumadee-us-Sanee 1231 Higeree.

Preamble.

WHEREAS Rules have, from time to time, been enacted for the guidance of the persons concerned in the provision of opium at the agencies established on the part of Government in the provinces of Behar and Benares, and for preventing the illicit cultivation of the poppy and the illicit manufacture and sale of opium, and for regulating the internal sale and consumption of that drug; and whereas it has been deemed advisable to establish an agency in zillah Rungpore for the provision of opium to be reserved exclusively for retail sale and consumption within the provinces immediately dependent on the Presidency of Fort William; and whereas it has appeared expedient, with the view of better securing the public revenue arising

from opium, to enact further Rules for the prevention of the illicit cultivation of the poppy, and the illicit manufacture, sale and consumption of the drug, and to make provision, by better regulating its internal sale, for supplying the consumers of opium with the drug in a pure and unadulterated state, and for limiting the use of it, as far as possible, to cases in which it may be necessary or salutary; and whereas it will tend to the public convenience to consolidate the whole of the Rules in force respecting this branch of the public revenue into one Regulation, with alterations and amendments; the following Rules have been passed, to be in force throughout the provinces immediately dependent on the Presidency of Fort William, from the date of the promulgation of this Regulation.

Specification of existing Rules rescinded.

II. Section III, Regulation XXXII, 1795; Sections VII, VIII. and IX, Regulation I, 1797; Regulation VI, 1799; Regulation XLI, 1803; Regulation V, 1807, and Regulation VI, 1809; Section XXXII, Regulation IX, 1810; Clauses 3d, 4th and 5th, Section XVII, Regulation X, 1813, together with such other parts of the same Regulation as refer to the illicit manufacture and sale of opium, and are not specially re-enacted by this Regulation, are hereby rescinded.

The cultivation of the poppy and manufacture of opium prohibited. Exception.

III. The cultivation of the poppy and manufacture of opium within any of the provinces dependent on the Presidency of Fort William, excepting on account of Government, or with their sanction, are hereby prohibited.

The importation of opium prohibited.

IV. The importation of opium, the produce or manufacture of the territories of the Nawaub Vizier, the Mahratta territories, or of any foreign country, into the provinces dependent on the Presidency of Fort William, or any of them, is hereby prohibited.

A covenanted servant of the Company to superintend the provision of opium.

V. The superintendence of the provision of opium shall, as heretofore, be entrusted to agents, or to such other officers, being covenanted servants of the Company, as the Governor General in Council shall appoint to the said duty.

The commercial resident at Rungpore vested with the powers of an opium agent.

VI. In addition to the agencies already constituted and existing in the provinces of Behar and Benares, an agency shall be established under the commercial resident at Rungpore, within such local limits as the Governor General in Council may from time to time direct, for the provision of opium, to be reserved exclusively for retail sale and consumption within the provinces immediately dependent on the Presidency of Fort William, under the Rules hereinafter prescribed.

Deputies in charge of subordinate establishments, to be guided by the same Rules as agents.

VII. The Rules contained in this Regulation respecting the functions, duties and authority of agents for the provision of opium, are to be considered equally applicable to their deputies in charge of subordinate establishments, or to any other person, being a covenanted servant of the Company, and entrusted with the superintendence of the provision of opium.

Form of oath to be taken by an opium agent, deputy or assistant.

VIII. Every person who may be appointed an agent for the provision of opium on account of Government, or a deputy or an assistant to such agent, previously to entering on the execution of the duties of his office, shall take and subscribe the following oath, before the Governor General in Council, or any person whom he may commission to administer it.

"I, *A. B.* appointed to the office of
swear, that I will render true and faithful accounts of the expenditure of the sums which may be advanced to me, and of the opium produced, whenever required; and that I will not, at any time during the period of my holding the said office, have any concern in opium, or derive, directly or indirectly, any profit from my situation, excepting such as the orders of Government do or may authorize me to receive, or knowingly suffer any of my officers or dependents to derive any advantages or profits, but such as shall be duly allowed."

"So help me God."

Settlements to be made annually in writing with the ryots who may choose to cultivate the poppy.

IX. The agents employed by Government in the provision of opium, shall annually, in due time, previous to the proper period for issuing the advances, make a settlement with the ryots who may choose to engage to cultivate the poppy, of the prices to be paid for the opium in the ensuing season. In this settlement, the rate per seer in sicca rupees, as well as the weight of the seer, according to the number of sicca weight contained in the seer peculiar to each pergunnah, is to be specified on the completion of such settlement; a copy and a translation of it shall be forthwith sent to the Board of Trade for their consideration, and on the agents receiving their approval

approval of it, copies of the settlement shall be sent by the agents to the several judges and collectors of land revenue or other officer in charge of the abkarry mehal within those jurisdiction the poppy is cultivated, to be fixed up in their court rooms and cutcherries; and the price settled for each pergunnah shall also be published by the agent in the pergunnah to which it relates.

Ryots may either enter into engagements to cultivate the poppy on account of Government, or decline cultivating it altogether.

X. It is left to the option of every person to enter into engagements for the cultivation of the poppy on account of Government, at such prices as may be settled for the produce, or to decline the cultivation of it altogether.

Nature of the engagements which the agents are to take from the cultivators of the poppy.

XI. The agent, or a person deputed by him, at the season of sowing the poppy, is to take an engagement from the cultivator specifying the number of begahs agreed to be cultivated, with the amount of the advance received by him, and the cultivator shall be bound to cultivate that number of begahs, or be liable to a penalty of three times the amount advanced on each begah, and proportionably for any part of the begah not so cultivated. When the poppy shall be full grown, the agent is to depute a person who shall proceed with the cultivator into the field, and with the assistance of two or three other creditable cultivators, form an estimate of what such field is likely to produce; whereupon the ryot or cultivator is to enter into an engagement to deliver so much, and should the field produce more, to deliver that also pro rato. The agent shall, as soon as practicable after the sowing season, transmit a separate list of the cultivators, from whom he may take engagements in each pergunnah, to the magistrate, and to the collector or other officer in charge of the abkarry mehal of the zillah.

Officers in the employ of the agents or their deputies, prohibited from taking any gratuity. Penalties on conviction.

XII. Officers of every description in the employment of the agents or their deputies, are prohibited from taking or receiving any fee, gratuity, perquisite or allowance, either in money or effects under any pretence whatever, from any ryots or other person employed or concerned in the provision of opium; and if any such description of person subject to the authority of the agent, shall be convicted, before the zillah or city magistrate within whose jurisdiction the offence may have been committed, of disobedience to this prohibition, he shall, besides being dismissed from his office by the officer or authority to which he may be subject, be further liable to imprisonment for any term, not exceeding six months, which the court may judge proper, together with such fine, not exceeding 200 rupees, as may appear adequate to his offence, commutable, if not paid, to a further period of imprisonment not exceeding six months; and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear proper, declare the offender incapable of serving Government in any capacity thenceforward, and will cause the same to be published.

Weights and scales for weighing the opium to be sealed by the magistrate of the district.

XIII. The weights and scales made use of in the koties or warehouses in the different purgunnahs for weighing the opium received from the ryots, are to be sealed with the seal of the magistrate of the district, and examined annually by him, or by such person as he shall think proper to appoint for that purpose, during the month of January. The agents or their officers making use of weights or scales not so sealed, or knowingly using uneven scales or incorrect weights though sealed, will be liable to such fine, not exceeding 500 rupees, as the magistrate may think proper to impose.

How the opium is to be weighed.

The opium shall be fairly weighed in the presence of both parties by the beam being properly suspended to a triangle, or wooden stand or fixture, and every other mode of weighing will be considered as illegal.

Stipulations concerning ryots who may not deliver the full quantity of opium agreed for.

XIV. In the event of the cultivator failing to deliver the full quantity of opium agreed for by him in the manner specified in Section XI, if the agent shall suspect or believe the cause of failure to be in the wilful neglect of the ryot, he shall complain to the zillah or city judge within whose jurisdiction the land of the ryot may be situated; and if it shall be proved, to the satisfaction of the judge, that the failure has been owing to neglect, he is to award that the ryot shall restore the proportional advance, with interest at the rate of twelve per cent. per annum. The ryot, so failing to fulfil his contract, shall likewise be liable at the discretion of the judge to a further penalty, not exceeding the amount of interest to the payment of which he will be liable under the above provision.

Agents or their representatives how to proceed in cases

XV. In cases in which the ryots shall deliver the opium in too liquid a state, or not inspissated to what is deemed, by experienced persons, the proper state of consistence,

consistence, the agents or their officers are to appoint two or more credible opium ryots or cultivators to decide on their dherm or conscience, what surplus quantity or keirdah, shall be taken as an equivalent for the overweight arising from such want of consistence, and the parties shall abide by their award, unless it shall be proved to the satisfaction of the zillah or city judge within whose jurisdiction the opium shall be delivered to the officer of government, that the arbitrators have been guilty of partiality.

where the opium is delivered in too liquid a ſtate.

XVI. Where the crude material shall be delivered in by the ryot or cultivator in an adulterated state, as by the mixture of foreign ingredients, the agents or their officers may immediately seize on, and declare the same confiscated, sealing it up at the same time in the presence of the ryot, and under his signature or mark, and in the presence of two or more creditable witnesses; depositing it also in a secure and separate place, and leaving the ryot to have recourse against them to the zillah or city court; for which purpose they are to keep the said opium thus sealed up for one month, and if in that time the ryot shall not lodge his complaint, it shall not afterwards be heard, and the agents shall then open the said opium and report the particulars of the case to the Board of Trade for their orders. Provided further, that in such cases the said opium ryot or cultivator shall, on failure to furnish the full quantity of opium agreed for by him, exclusive of the adulterated opium, be prosecuted in the Dewanny Adawlut of the city or zillah, and shall be liable to the penalty prescribed in Section XIV. in the case of failure by wilful neglect, viz. to refund the proportional advance, with interest, and an eventual fine.

Agents how to proceed where cultivators deliver in adulterated opium.

XVII. If any zemindar or other proprietor of land, or any farmer of land, or their representatives, should exact more from the ryots on account of their poppy lands than the established rates, the agent or the ryot from whom such exactions may be made, is to be at liberty to prosecute the person guilty of such exactions in the zillah or city Dewanny Adawlut, the judge of which shall forthwith inquire into the same, and, on proof of the exaction, shall adjudge the person guilty of the offence to restore the amount levied in excess of the established rate, with a further penalty of treble the amount.

Proprietors and farmers of lands how to be proceeded againſt in caſe they attempt to increaſe the rents of the poppy lands.

XVIII. The opium agents and their native officers of every description, are declared amenable to the Dewanny Adawlut of the city or zillah within the jurisdiction of which they may be stationed, for all acts done by them in their official capacity: provided however that any person conceiving himself aggrieved by the act of an opium agent or of any ministerial officer acting under his authority, shall, in the first instance, make application for redress to the agent himself; and in the event of his not being satisfied with the order which the agent may pass upon such application, it shall then be competent to him either to lay his case by petition before the Board of Trade, or at once to seek redress in the Dewanny Adawlut, or the city or zillah within the jurisdiction of which he may reside. The rules contained in Regulation II, 1814, shall be considered applicable to all cases that may arise under the operation of this Section, and the course therein prescribed shall be observed in the admission of such cases.

Agents and their officers liable to be ſued in the zillah Dewanny Adawlut for breach of Regulations, under the reſtrictions herein ſpecified.

Rules contained in Regulation II, 1814, applicable to caſes under this Section.

XIX. The opium agents shall not, in their official capacity, prefer any suit to any of the courts of Dewanny Adawlut without the previous sanction of the Board of Trade.

Agents are not to prefer any ſuit without the ſanction of the Board of Trade.

XX. The judges of the Dewanny Adawlut of the several cities or zillahs are to take cognizance of all causes respecting opium, instituted by an agent or his representative against the ryots or others concerned in the provision or manufacture of that article, or by the latter against the former, as well as suits preferred under the provisions of Section XVII. of this Regulation against zemindars or other proprietors of land, and proceed to try and decide upon the same with as little delay as possible, and without attending to the order in which they may stand on the file. In all matters relating to the trial and decision of such suits, the payment of costs and the execution of decrees not expressly provided for in this Regulation, the courts shall be guided by the general rules and usages observed in other suits cognizable by them.

Judges to take cognizance of all cauſes reſpecting opium, with as little delay as poſſible.

Courts to be guided by general rules in caſes not expreſsly provided for in this Regulation.

XXI. Nothing however contained in the above Sections shall be construed to authorize the courts of Dewanny Adawlut to interfere in cases the cognizance of which is vested by this Regulation in the collectors of land revenue or other officers in charge of the abkarry mehal.

Judges not to interfere with the powers veſted in collectors and others, for the cognizance of certain ſuits.

 XXII. When

Civil proceſs to be iſſued to the agents under a ſealed cover, and to be returned by them in like manner.

XXII. When any process shall be issued by a court of civil judicature, or a collector, assistant collector, or officer in charge of the abkarry mehal, to an agent, the judge or the register of the court, or the collector, assistant collector or officer aforesaid, is to transmit the process under a sealed cover, addressed to the agent in the form of a letter, and superscribed with his name and official appellation. The agent is immediately to acknowledge the receipt of the process by an endorsement to that effect on the instrument, and to return it under a sealed cover addressed to the officer from whom it may have issued.

Communication by letter between agents and their officers and their vakeels, reſpecting ſuits in which they are concerned, to be free of poſtage.

Rules in ſuch caſes.

XXIII. To facilitate the communication between the agents and their officers of kotees, and their vakeels in the zillah or city courts or the provincial courts of appeal, and the Sudder Dewanny Adawlut and the mookhtars employed by them, with the collector or other officer in charge of the abkarree mehal, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in office, or after their removal, they are permitted to forward, free of postage, any instructions which they may have to transmit to their vakeels and agents aforesaid. The instructions are to be enclosed under a sealed cover directed to the vakeel or mookhtar. The instructions so sealed and directed, are to be transmitted, under a sealed cover, addressed to the register of the court, or the collector or other officer before whom the cause may be depending, and superscribed with the name and official appellation of the person dispatching it, or that which he bore when the cause of action arose. The register of the court, collector or other officer, immediately on receiving the instructions, is to deliver them sealed to the vakeel or mookhtar to whom they may be directed. In like manner, the vakeels in any of the courts or mookhtars aforesaid, to whom the pleading of such suits or appeals may be committed by agents or their head officers of kotees, are authorized, either whilst their constituents remain in office, or after they shall have been removed, to forward any papers which they may have to convey to their constituents by the public dawk free of postage. The papers are to be enclosed in a cover sealed with the seal of the vakeel or mookhtar, and the judge, or the register to the court, or the collector or other officer before whom he is employed, shall transmit the papers so sealed, in a cover, sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Board of Trade may take upon themſelves the proſecution or defence of the ſuits.

XXIV. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves or entrust to an officer specially appointed for the purpose, the superintendence of the prosecution or defence of any suit or appeal in which they or their officers may be engaged, either in a zillah or city court, or in a provincial court of appeal, or in the Sudder Dewanny Adawlut, or before a collector of the land revenue or other officer in charge of the abkarry mehal, or before the Board of Revenue, the Board of Commissioners or the Commissioner in Behar and Benares, instead of leaving the superintendence of the conduct of the suit or appeal to the agent, or any of his officers or dependents.

Board of Trade may authorize an appeal, if diſſatisfied with a decree or judgment.

XXV. If the Board of Trade shall be dissatisfied with a decree or judgment passed against an agent or any of his officers on suits in which they may have been engaged in any court of civil judicature, or before a collector of land revenue or other officer in charge of the abkarry mehal, under the rules hereinafter prescribed, either with or without their orders or the orders of the Governor General in Council, they may authorize an appeal under the prescribed rules.

The proviſions of Clauſe IV. to X. inclusive, of Section X, Regulation XXXI, 1793, extended.

XXVI. The provisions contained in Clauses 4th, 5th, 6th, 7th, 8th, 9th, and 10th, Section X, Regulation XXXI, 1793, are hereby extended to the under mentioned officers employed under the agents for the provision of opium.

The Dewan,	Gomashtahs of kotees,
Naib Dewan,	Cash-keepers Ditto,
Cash-keepers,	Mohurrers Ditto,
Mohurrers,	Purkeas,
Nagree Writers,	Dandidars.
Godown-keepers,	

Regiſter of the officers above enumerated to be formed, copy to be tranſmitted to ſpecified public functionaries.

XXVII. A register of the names and stations of the officers enumerated in the preceding Section shall be formed, and a copy of such register in the native languages shall be transmitted, once in every year, to the judge and magistrate and the collector or other officer in charge of the abkarry mehal of the zillah in which such

officer may reside. It shall also be the duty of the agent to keep the judge and magistrate, and the collector or other officer aforesaid, informed of any intermediate change of those officers.

XXVIII. The following Rules are enacted for the prevention of the illicit culture of the poppy and the illegal manufacture, sale, purchase, importation, transportation or possession of opium.

Objects of the following Sections.

XXIX. The several magistrates and the collectors or other officers in charge of the abkarry mehal, on the receipt of the lists of the opium ryots or cultivators directed to be furnished to them by Section XI. of this Regulation, shall transmit to the several police and abkarry darogas under their respective authority, a copy of the list of the cultivators residing in the pergunnahs within the respective jurisdictions of each daroga, with directions to prevent persons, who may not have entered into engagements with the opium agent, from cultivating the poppy; and all darogas within whose jurisdictions there may be no opium cultivation on the part of Government, shall be annually instructed by the several magistrates and collectors or other officers aforesaid, to use their endeavours to prevent the illicit culture of the poppy.

Duties of the magistrates, and other public officers, on the receipt of the lists furnished to them under Section XI. of this Regulation, defined.

XXX. Ryots receiving advances for the cultivation of the poppy on account of Government, who may be guilty of embezzlement of the opium, for the provision of which they may have received advances from Government, or of otherwise illegally disposing of it, shall be liable to prosecution before the collector of the land revenue or other officer in charge of the abkarry mehal of the district, and on conviction shall be liable to a fine of 8 rupeees per seer, and confiscation of the opium, if it can be seized, and when it cannot be seized, to a fine of 16 rupees per seer, on the quantity proved to have been embezzled or otherwise illegally disposed of. In addition to the above penalties, the offenders shall be liable to imprisonment for a period not exceeding 6 months, and to further imprisonment not exceeding six months more, in the event of the fine not being duly discharged.

Penalty against ryots, convicted of embezzlement of opium.

XXXI. Any person who shall cultivate the poppy in opposition to the prohibition contained in Section III. of this Regulation, shall be liable to prosecution before the collector of the land revenue or other officer in charge of the abkarry mehal of the district, and on conviction shall be subject to a penalty, to be calculated at the rate of 20 sicca rupees per begah for whatever quantity of land shall have been so illegally cultivated; and if the poppy plants shall be growing on the said land, and the opium shall not have been extracted therefrom, the plants shall be destroyed. If the opium shall have been extracted and shall be seized, the same shall be confiscated. If the opium shall have been extracted and shall not be seized, the cultivator of the said land shall be subject to a penalty of 32 sicca rupees per begah, instead of 20 sicca rupees per begah, as above directed. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding six months, and to further imprisonment not exceeding six months more, in the event of the fine not being duly discharged.

Persons illicitly cultivating the poppy, liable to prosecution and penalty on conviction.

XXXII. All zemindars, talookdars and other proprietors of land, whether malgoozary or lakheraj, all sudder farmers and under renters of land of every description, all dependent talookdars, all naibs, gomastahs and other local agents, all sezawuls, tehsildars and other native officers employed in the collection of the revenue and rents of lands on the part of Government or the Court of Wards, are hereby declared accountable for giving the earliest information to the police or abkarry darogas, to the magistrates, collectors of land revenue, or officers in charge of the abkarry mehal, collectors of customs, opium agents or their deputies, of all poppy which may be illegally cultivated within the limits of the estate or farm held or managed by them.

Landholders of every denomination, as well as their subordinate officers, to give the earliest information of all poppy illegally cultivated within the limits of their estates.
To whom the information is to be given.

XXXIII. Any landholders or other description of persons above noticed to whom such responsibility is declared to attach, who may wilfully or knowingly neglect to give the information hereby required to the nearest police or abkarry daroga, the magistrate, the collector of land revenue or officer in charge of the abkarry mehal, the collector of government customs, the superintendent of salt chokies, the opium agent, or his deputy or assistant, shall, on proof of such neglect before the collector of the land revenue or other officer in charge of the abkarry mehal, be liable to the penalty, with the exception of imprisonment, stated in Section XXXI, for whatever quantity of land shall be illegally cultivated with the poppy on their respective estates or farms, or on the lands under their management, unless

Penalty in the event of their neglect or connivance being established.

unless it shall clearly appear to have been so cultivated without their knowledge or connivance.

Native officers of Government to give similar information to the authority under whom they are placed. The officer in charge of the abkarry mehal to be immediately made acquainted with the information obtained.

XXXIV. All native officers of Government of whatever description are hereby strictly enjoined, under pain of dismission from office and such punishment as shall be specially prescribed, to give immediate information to the authority under whom they are placed, of all poppy which may be illegally cultivated within their knowledge; and the magistrate or other authorities above alluded to who may receive information of such illicit culture, shall immediately transmit the information so received to the collector of the zillah or other officer in charge of the abkarry mehal.

Duties of a police or abkarry daroga on receiving intelligence of the cultivation of the poppy, in oppofition to the provifions contained in Section III. of this Regulation.

XXXV. Whenever a police or abkarry daroga shall obtain intelligence of any land within his jurisdiction having been cultivated with the poppy, in opposition to the prohibition contained in Section III. of this Regulation, he shall immediately proceed to the spot, and if the information be correct, shall attach the crop so illegally cultivated, and report the same without delay to the authority to which he may be subject. Such police or abkarry daroga shall, at the same time, take security from the cultivator of the said ground for his appearance before the collector or other officer in charge of the abkarry mehal; and in the event of such cultivator not giving the required security, he shall send him in custody to the magistrate or the collector or other officer in charge of the abkarry mehal, according to the authority under which such daroga is placed, with the necessary witnesses to prove the quantity of land which may have been cultivated by him with the poppy.

Police and abkarry darogas declared liable to fine and imprifonment if convicted of permitting or conniving at the illicit cultivation of the poppy, in addition to difmiffion from office.

XXXVI. Any police or abkarry daroga who shall knowingly permit the cultivation of the poppy within his jurisdiction, or who shall in any respect be convicted of conniving at the illicit cultivation of the poppy, shall besides being liable to dismission from office for neglect of duty under the existing Regulations, be further subject, on conviction before the magistrate of the zillah, to the payment of the fine stated in Section XXXI, for whatever quantity of land shall have been so illegally cultivated within his jurisdiction, with his knowledge or connivance; the fine, if not duly paid, shall be commutable to imprisonment for a period not exceeding six months.

Subordinate officers of the opium agents declared fubject to certain penalties on conviction of the like offences.

XXXVII. Any subordinate officer of the opium agents, who shall be convicted of conniving in any way at the illicit cultivation of the poppy, shall in like manner be liable to dismission from office, and to pay, on conviction before the magistrate, the fine (commutable as above) stated in Section XXXI, for whatever quantity of opium shall have been so illegally cultivated with his knowledge and connivance, and likewise to imprisonment for a period not exceeding six months.

Landholders may attach illicit crop of poppy grown within their own eftates. Immediate information to be given to police or abkarry daroga. Their duties.

XXXVIII. Proprietors and farmers of land, in whose estates or farms any poppy shall be grown in opposition to the provisions of this Regulation, shall be at liberty to attach such illicit crop of poppy grown within their own estates; such persons shall immediately report the same to the nearest police or abkarry daroga, who shall proceed thereupon in conformity to the rules contained in Section XXXV, of this Regulation.

What opium fhall be confidered contraband, and liable to feizure and confifcation.

XXXIX. All opium, excepting that which may have been manufactured on account of the Government, or sold by their authority, which may be found within the provinces dependent on the Presidency of Fort William, will be considered as contraband, and shall be liable to seizure and confiscation, together with the boats, carriages, cattle and packages used in the storing or transport of it.

Rule to be obferved by purchafers of opium at the public fales, when defirous of exporting it by sea. Certificate.

XL. Persons who may be desirous of exporting by sea, opium purchased at the Company's sales, shall produce a certificate from the Board of Trade, or one of their authorized officers, signifying that the opium in question was so purchased. The certificate must specify the purchase, lot, the mark and number of each of the chests applied for, the name of the purchaser, the costs of the opium, and the date of the sale. Any opium not corresponding with the certificate shall be liable to confiscation.

Opium not correfponding with the certificate, liable to be confifcated.

Officers empowered to feize opium, together with the cattle, carriages, boats and other articles.

XLI. The following officers are hereby declared to possess authority to seize all opium, together with the cattle, carriages, boats and other articles, which under the provisions of this Regulation may be liable to seizure and confiscation, viz. the opium agents, their deputies and assistants, zillah and city magistrates, collectors of land revenue or officers in charge of abkarry mehal, or both, where the offices may be

be separate, collectors and deputy collectors of customs, superintendents of salt chokies, and their subordinate officers respectively, being above the rank of peons, burkundoses or ordinary chuprossees; provided however that no person shall break open any boat, carriage, chest, cask, box, bale, package or other article suspected to contain opium, except under a warrant from the magistrate or collector of the district, or other officer in charge of the abkarry mehal; and any person detaining on such suspicion, otherwise than under the orders of one of these two last mentioned officers, any boat, carriage, cask, chest, box, bale or package, shall be liable, if no contraband opium be found, and if the detention appear to have been made without sufficient cause, to be adjudged by the collector of the zillah or other officer in charge of the abkarry mehal, to pay to the party injured the damages he may have sustained by such detention. Provided further that all native officers making a seizure under the powers vested in them by this Regulation, shall within 24 hours of making such seizure, communicate their having done so, with a report of the circumstances connected with the seizure, to the authority to which they may be respectively subject; and any magistrate or other officer to whom a seizure may be thus communicated shall immediately transmit the report to the collector of the zillah or other officer in charge of the abkarry mehal, to whom all opium so seized shall be delivered.

Boats, carriages, &c. not to be broken open

Exception.

Remedy to the party injured.

Duty of the native officers on making such seizure.

Information to be immediately communicated to the collector, or other officer in charge of the abkarry mehal, to whom all opium so seized shall be delivered

XLII. All native officers of Government of whatever description are hereby strictly enjoined, under pain of dismission from office and the penalties hereinafter specially provided, to assist in suppressing the illicit manufacture, sale, purchase, importation, transportation or possession of opium, by seizing the same if authorized to do so, or if not vested with power of seizure, by giving immediate information to the authority to which they may be respectively subject, of all instances of such illicit manufacture, sale, purchase, importation, transportation or possession of opium which may come to their knowledge: any magistrate or other officer to whom such information may be given shall immediately transmit the same to the collector of the zillah or other officer in charge of the abkarry mehal.

Duties of native officers in the suppression of the illicit manufacture, sale, purchase, importation, transportation or possession of opium.

Duty of the magistrate or other officer to whom such information may be communicated.

XLIII. When any opium shall be seized and delivered to the collector of the zillah, or the assistant collector in places where such officers are appointed, the collector or assistant collector (as the case may be) shall issue a publication notifying that if no claimants thereto shall appear within one month, it will be confiscated. If any claimant shall in consequence appear within the limited period, the collector is to investigate and decide on his right to the opium; and in the event of his deciding against the claimant, or of no person appearing to claim the opium, he is to declare the opium confiscated, to be applied in such mode as may be prescribed by the Governor General in Council.

When any opium shall be seized and delivered to the collector or assistant collector, rules to be observed.

XLIV. All boats, carriages, bales, casks, chests, boxes or packages, on which or in which any contraband opium may be loaded or concealed, together with all horses, bullocks or other cattle employed in its transportation, are hereby declared to be liable to confiscation, and they shall be delivered to the collector of the zillah or other officer in charge of the abkarry mehal, by whom they shall on the confiscation of the opium be sold, and the proceeds disposed of in the manner hereinafter prescribed.

Boats, bullocks or other cattle, and the carriages on which contraband opium may be loaded, liable to confiscation.

XLV. All persons who may be proved to have purchased contraband opium, or in whose possession contraband opium may be found, shall be liable to prosecution before the collector of land revenue or other officer in charge of the abkarry mehal; and on conviction, shall be subject to a fine of 8 sicca rupees per seer on the quantity of contraband opium which they may have purchased or may have in their possession, in addition to the confiscation of the opium when it can be seized, and when it cannot be seized, 16 sicca rupees per seer of 80 sa. wt., to be recoverable by suit or information before the collector of the zillah within whose jurisdiction the offender may reside. In cases in which the above fine shall not amount to sicca rupees 500, the said offender shall likewise be liable, at the discretion of the collector or other officer in charge of the abkarry mehal, to a further fine not exceeding such sum as shall make the total fine imposed amount to sa. rs. 500. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding 6 months, and to further imprisonment not exceeding 6 months more in the event of the fine not being duly discharged.

Penalties against persons proved to have purchased contraband opium, or having it in their possession.

Landholders and local agents, and native officers, employed in the collection of the revenue or rents of lands, on the part of Government or Court of Wards, declared subject to what penalties.

XLVI. All zemindars, talookdars or other proprietors of land, whether malgoozary or lakheraj, all farmers of land holding farms immediately of Government, all naibs, gomastahs or other local agents, all sezawals, tehsildars or other native officers employed in the collection of the revenue or rents of lands on the part of Government or Court of Wards, (when not themselves the purchasers or possessors of the opium) are declared liable to the like penalty, recoverable as above described; for all contraband opium which may be proved to have been sold within the limits of the lands in their possession or management with their connivance or knowledge, that it to say, 8 rupees per seer when the opium may be seized, and when it cannot be seized, 16 rupees per seer of 80 sa. wt.

Rewards to be granted to native officers and others giving information regarding the illicit culture of the poppy, or illegal transfer of contraband opium.

XLVII. All native officers of Government or other persons who may give information of the illicit culture of the poppy, or the illegal manufacture, sale, purchase, importation, transportation or possession of opium, or who may be actively concerned in promoting any lawful seizure of contraband opium or attachment of crops under this Regulation, shall, on the attachment of land illegally cultivated with the poppy or the seizure and confiscation of contraband opium, be entitled to the rewards hereinafter prescribed.

What other public officers shall be entitled to rewards.

XLVIII. The opium agent of Behar and his deputies, the commercial residents at Ghazeepore and Rungpore, or other officers to whom the superintendence of the provision of opium at those places may be entrusted, the collectors and deputy collectors of customs and the superintendents of salt chokies, shall be entitled to the rewards hereinafter prescribed in the cases hereinafter specified.

Amount of the reward to be given to the person on whose information the penalty may be levied, if the crop be destroyed or opium be not seized.

XLIX. In any cases in which the fine of 16 rupees per seer on opium embezzled by ryots cultivating on account of Government, shall be levied *when the opium may not be seized*, in conformity to Section XXX. of this Regulation, or in which the penalty specified in Sections XXXI, XXXIII, XXXVI, and XXXVII. shall be levied, on account of the illegal cultivation of the poppy, when the crop shall be destroyed, or when the opium produced shall not be seized, one half of such fine shall be paid to the person in consequence of whose information the fine shall have been so levied, whether he be an officer of Government or not.

Valuation of opium seized. In what proportions and to what persons rewards are to be distributed.

L. All illicit opium that may be seized shall be valued at 10 rupees per seer, and the person or persons who may give information of opium illegally cultivated, sold, purchased or transported within, or imported into any of the provinces dependent on the Presidency of Fort William, or of any description of contraband opium, provided such opium be attached and confiscated in consequence of his or their information, shall be entitled to a reward calculated at the rate of 2 rupees 8 annas per seer of eighty sicca weight on the quantity of opium so attached, and also to one fourth of any fine that may be levied conformably to this Regulation in consequence of the confiscation of the opium in question. The subordinate officers of Government to whom the information may be given, and who may be immediately concerned in making the attachment, shall be entitled to the same reward, that is to say, to 2 rupees 8 annas per seer of 80 sicca weight on the opium confiscated, and to one fourth of the fine levied, subject however to the discretion of the collector of the land revenue or other officer in charge of the abkarry mehal, or in case of appeal from the order of confiscation passed by that officer, subject to the discretion of the authority by which the final judgment shall be passed, to make the distribution of the reward to one or more persons, as their conduct may respectively appear to merit. The opium agent of Behar and his deputies, the commercial residents at Ghazeepore and Rungpore, or other officers to whom the superintendence of the opium agency at those places may be entrusted, the collectors and deputy collectors of customs and the superintendents of salt chokies, shall be entitled to a reward of 5 rupees per seer of 80 sicca weight, on the quantity of opium so attached by the subordinate officers acting under their controul respectively, and to one half of the fine levied, subject however to the discretion of the Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares, as the case may be, to make the distribution of the reward to one or more of the above officers, as may be deemed fair and reasonable on a consideration of the circumstances of the case.

Specification of rewards in the event of contraband opium being seized by the officers of Govern-

LI. In case any attachment should be made of such opium exclusively by the officers of Government, and not upon information given by other persons, the opium agent of Behar or his deputy, the commercial resident of Ghazeepore or Rungpore, the collectors or deputy collectors of customs, and the superintendents of salt chokies,

by whose subordinate officers the seizure may have been affected, shall be entitled to a reward of five rupees per seer of eighty sicca weight on the quantity of opium confiscated, as well as to one half of any fine that may be levied thereupon, and the subordinate officers concerned in making the seizure shall be entitled to a reward of five rupees per seer of eighty sicca weight, on the quantity of opium confiscated in consequence, as well as to one half of any fine that may be levied thereupon.

ment, and not upon information given by other persons.

LII. The opium agent of Behar or his deputy, the commercial resident of Ghazeepore or Rungpore, or other officers to whom the superintendence of the provision of opium at those places may be entrusted, the collectors or deputy collectors of customs and the superintendents of salt chokies, shall be entitled to one half of the amount proceeds of the sale of any confiscated boats, carriages, bales, casks, chests, boxes, packages, horses, bullocks or other cattle, which may have been seized by their subordinate officers respectively. One quarter of the amount proceeds of the sale of such confiscated articles shall be paid to the subordinate officers concerned in effecting the seizure, if the seizure be made on information given, and one quarter of the amount proceeds thereof shall be paid to the informer in consequence of whose information the boats, carriages, &c. may have been seized and confiscated. In cases where the seizure may have been made exclusively by the officers of Government, and not on information, the subordinate officers concerned in making the seizure shall be entitled to one half of the amount proceeds of the sale of the confiscated articles above mentioned.

Rule to be observed in the distribution of the proceeds of the sale of any confiscated boats, carriages, &c. &c.

In the event of the seizure being made on information.

In the event of the seizure being made by the officers of Government exclusively.

LIII. The following rules have been enacted for regulating the internal consumption of opium, and for preventing the illicit sale of that drug.

Object of the succeeding Sections declared.

LIV. The retail sale of opium in the interior shall be considered a branch of the abkarry revenue, and shall be conducted under the superintendence and directions of the collectors of land revenue or other officers entrusted with the charge of the abkarry mehal, subject to the controul of the Board of Revenue, the Board of Commissioners in the ceded and conquered provinces, and the Commissioner in the provinces of Benares and Behar respectively.

The retail sale of opium forms a branch of the abkarry revenue.

LV. The collectors or other officers entrusted with the charge of the abkarry mehal shall, once every year or oftener, state to the Board of Revenue, the Board of Commissioners, and the Commissioner of Behar and Benares, the quantity of opium which may be required for their respective districts, and shall be supplied with the same in the mode which the Governor General in Council shall direct.

The Collectors are to indent upon their immediate superiors for a supply of opium.

LVI. Shops shall be established on the part of Government for the retail sale of the drug, at such places as may be deemed most convenient for supplying the wants of the community.

Shops to be established.

LVII. The sale of opium at the shops which may be established by Government, shall be conducted by persons nominated for that purpose by the collectors or other officers in charge of the abkarry mehal respectively, with such other establishment as may be deemed necessary, either at a fixed monthly salary, or to be paid by a commission on the amount sale of the opium, or partly by both, as may be considered to be most expedient.

The shops are to be conducted by persons to be appointed by the officer in charge of the abkarry mehal.

LVIII. The person so nominated shall receive a sunnud drawn up in the form No. 1. annexed to this Regulation, and shall enter into a corresponding engagement. The person so nominated shall moreover give such security as the collector or other officer in charge of the abkarry mehal shall require.

Sunnud to be given to the person so nominated; and security to be required from him.

LIX. Any breach of the conditions of his engagement shall render the offender liable to dismission from his office, and to a fine not exceeding five hundred rupees, or in the event of the fine not being duly discharged, to such imprisonment, not exceeding six months, as the collector may deem adequate to the degree of offence committed.

Penalty for breach of the conditions of his engagement.

LX. In cases in which it may be deemed advisable, the collectors or other officers in charge of the abkarry mehal may, with the sanction of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, authorize individuals to vend opium by retail under regular licenses.

Officers of the abkarry mehal may authorize the retail sale of opium, if sanctioned by their immediate superiors.

LXI. In cases in which an arrangement of this nature may be judged advisable by either of the above mentioned authorities, due notice shall be publicly given of such intention, and of the periods at which licenses will be granted to individuals for

Rule to be observed in the event of such an arrangement being deemed advisable.

for the retail sale of that article, and the conditions on which such licenses will be granted.

Mode to be adopted by perſons deſirous of obtaining a licenſe. Engagement to be required from a licenſed retail vender.

LXII. In such cases, any persons desirous of obtaining such a license shall present a derkhaust or written application to that purport, to the collector or other officer in charge of the abkarry mehal, specifying the place at which he is desirous of establishing his shop; and on his application being acceded to, shall furnish such security for the due performance of his engagements as the collector or officer aforesaid shall deem sufficient.

Licenſe to be granted on ſecurity being furniſhed, and a correſpondent kubooleat to be taken.

LXIII. On the person so applying having furnished the security referred to in the preceding Section, a license for one year shall be granted to him agreeably to the form No. 2. affixed to this Regulation, and a correspondent kubooleat be taken from him.

In what portions, by whom, and at what rate of daily tax, opium is to be furniſhed to the licenſed retail venders.

LXIV. The opium shall be furnished to the licensed venders in monthly portions, and it shall be the duty of the Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares respectively, to determine the terms on which the opium is to be supplied, and the amount of the daily tax which they shall be required to pay, in addition to the price of the opium which they may clear out. The Boards aforesaid shall cause the highest price or rates of duty to be fixed that can be done, without risk of giving rise to the illicit manufacture and sale of opium.

Such licenſes when to be conſidered forfeited.

LXV. On any breach of the conditions of his engagement, not being an offence specifically provided for, the license granted to the opium vender shall be considered forfeited, and the offender shall be liable to a fine not exceeding fifty rupees, and in the event of the fine not being duly discharged, to such imprisonment, not exceeding one month, as the collector or other officer in charge of the abkarry mehal may deem adequate to the offence committed. The offender shall likewise forfeit his security to such extent as the collector may judge necessary to indemnify Government for the loss occasioned by his default, over and above the amount payable by him in the ordinary course, under the engagement contracted with the collector or other officer entrusted with the abkarry mehal up to the date of the resignation of his sunnud.

Conditions under which a licenſed retailer of opium may ſurrender his licenſe, ſpecified.

LXVI. Persons licensed to vend opium shall be at liberty to surrender their licenses; and shall be relieved from their engagements on making application for that purpose to the collector, and paying a sum equal to the daily tax for one month, over and above the amount payable by them in the ordinary course, under their engagements contracted with the collector or other officer in charge of the abkarry mehal, up to the date of the resignation of their licenses.

A ſeparate licenſe required for each shop.

LXVII. Any license which may be issued under the rules of this Regulation, shall only be considered to authorize the establishment of one shop. If any vender shall be desirous of establishing more than one shop, he shall take out a separate license for each: but all licensed venders of opium shall be held answerable for the due performance of the conditions of their licenses by the persons to whom they may entrust the management of any shop, in the same manner as they are themselves responsible for their own acts; and any licensed vender of opium, selling the drug elsewhere than in the shop specified in his license, shall be held liable to the penalties prescribed for the illicit vend.

The licenſed vender declared reſponſible for the acts of the perſons employed by him in the management of any shop.

Special licenſes.

LXVIII. The Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares, may likewise, in cases where it may appear advisable, authorise the collectors or other officers in charge of the abkarry mehal, to grant, on application from any person, whether licensed vender or otherwise, desirous of vending opium at any temporary haut, a special license for that purpose, specifying the name of such haut and the number of days for which the license shall have effect. This license shall be drawn out (mutatis mutandis) in a form similar to No. 2. annexed to this Regulation.

Form of licenſe.

Commiſſion allowed to officers in charge of the abkarry mehauls.

LXIX. The collectors or other officers entrusted with the abkarry mehals, shall be allowed a commission of five per cent. on the net amount realized by them on the sale of opium under the provisions of this Regulation.

Penalty for any attempt to ſell adulterated opium.

LXX. If in any case adulterated opium be attempted to be delivered out or offered for sale, directly or indirectly, by any of the venders (or persons employed by them) nominated by the collector or other officer in charge of the abkarry mehal, to conduct the

the sales at the shops established on account of Government, or by any licensed vender of opium, the license granted to him shall be forfeited, and he shall be subject, on conviction before the collector, to a fine not exceeding five hundred rupees, and to such imprisonment not exceeding six months as the collector of the zillah may judge proper; the opium shall be confiscated and destroyed, and all boats, carriages, cattle and packages of whatever description on which or in which it shall be found, shall be seized and confiscated, The person giving information of the fact shall, on the conviction of the offender, be entitled to a moiety of whatever fine the collector or other officer in charge of the abkarry mehal may deem it proper to impose on the offender.

Reward to informer on the conviction of the offender.

LXXI. If the person so charged shall deny that the opium is adulterated, the collector of the zillah shall refer the opium for examination to the surgeon of the station, or where there may be no surgeon, shall summon and examine two or more of the most respectable native doctors or other competent judges on the point; and for this purpose the collector or other officer in charge of the abkarry mehal, shall always retain a certain quantity of all despatches of opium which he may deliver to the venders, as a sample with which to compare the opium sold by them.

Mode of eſtabliſhing the adulteration of opium.

LXXII. The rules prescribed in Regulation X, 1812, respecting the sale of spirituous liquors in the vicinity of military cantonments, shall likewise be applicable to the sale of opium under the provisions of this Regulation.

The proviſions of Regulation X, 1812, extended, as far as regards the ſale of opium in the vicinity of military cantonments.

LXXIII. The rules contained in Regulation X, 1813, and Regulation XVII, 1814, respecting the recovery of arrears due from persons selling spirituous liquors and intoxicating drugs, shall, as heretofore, be applicable to persons licensed to vend opium.

The rules contained in Regulation X, 1813, and Regulation XVII, 1814, to be conſidered applicable to perſons licenſed to vend opium.

LXXIV. No opium shall be sold, except at the shops established on the part of Government, or by persons duly authorized under license by the collectors or other officers in charge of the abkarry mehal.

Opium to be ſold only at the eſtabliſhed ſhops, and by licenſed venders.

LXXV. Any unauthorized person who shall sell any quantity of opium whatever, whether large or small, shall, on conviction before the collector of land revenue, be subject to such fine not exceeding five hundred rupees, or in lieu of it to such imprisonment not exceeding six months, as the collector may judge proper; provided however that this rule shall not be construed to extend to native doctors bonâ fide administering opium as medicine in cases of actual sickness.

Penalty preſcribed for the illicit ſale of opium.

Not to extend to native doctors adminiſtering opium as medicine.

LXXVI. No person, not appointed or licensed to vend opium by the collector or other officer in charge of the abkarry mehal, or not otherwise duly authorized by Government, shall have in his possession a greater quantity of opium than two tolahs weight of the weight in use at the public shops in the districts; if a greater quantity of opium shall be found on, or in the possession of any person not duly authorized, the opium shall be deemed and considered contraband, and shall be liable to confiscation, together with the animals, carriages and articles of whatever description on which or in which it may be found; and if the offender shall be unable to shew any sufficient or reasonable cause for having a larger quantity than two tolahs in his possession, he shall be further subject, on conviction before the collector of land revenue, to the penalties prescribed in Section XLVI. for the purchase and possession of contraband opium. The person or persons through whose means the offence may be detected, shall on the conviction of the offender, be entitled to the rewards specified in Sections L. and LI. of this Regulation.

Opium when to be deemed contraband. How to be diſpoſed of, and the offender how to be dealt with.

Rewards to perſons thro' whoſe means the offence may be detected.

LXXVII. Provided however that nothing contained in the above Section shall be construed to apply to authorized opium cultivators, having newly extracted opium in their possession, during the usual period between the full growth of the poppy and the delivery of the opium to the agent.

Above rule to be conſidered not applicable in certain caſes.

LXXVIII. The collectors or other officers in charge of the abkarry mehal shall furnish the abkarry darogahs and the darogahs of police with a list of the persons licensed to vend opium, and it shall be the duty of persons holding the office of abkarry or police darogahs to apprehend and send in to the authority under whom they may be placed, all persons engaged in the illicit sale of opium; provided however it shall be their duty at the same time to send the necessary witnesses to prove the fact. In all cases in which such persons guilty of the illicit sale of opium, or in which ryots

Liſts of licenſed venders of opium to be furniſhed to the abkarry and police darogahs.

Duties of thoſe officers, and of the magiſtrate and officers in charge of the abkarry mehaul, defined.

guilty of the illegal culture of the poppy shall be sent in to the magistrate, it shall be his duty, immediately on their arrival, to send the persons so charged, together with the witnesses who may have been sent along with them, to the collector of land revenue or other officer in charge of the abkarry mehal, who will pass judgment on the case under the rules hereinafter prescribed.

Duties of the different Boards of Revenue, Commiſſioners, and Trade, ſpecified.

LXXIX. It shall be the duty of the Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares, and the Board of Trade, to furnish the several officers under their control with such detailed instructions in respect to the prevention of the illicit culture of the poppy, and the illegal manufacture, sale, purchase, importation, transportation and possession of opium, as they may deem necessary, with a view of better securing that object, consistently with the provisions of this Regulation.

What ſuits under this Regulation are cognizable by the officer in charge of the abkarry mehal.

LXXX. All suits, complaints and informations, for the recovery of any fine or penalty recoverable by Government or by the informer, on account of the illicit cultivation of the poppy, the illicit manufacture, sale, purchase, importation, transportation or possession of opium (excepting complaints or charges preferred against public officers for a breach of their official duty under the rules of this Regulation, the cognizance of which is reserved to the magistrates), are hereby declared cognizable exclusively by the collector of land revenue or other officer in charge of the abkarry mehal: any thing in the existing Regulations to the contrary notwithstanding; and the investigation thereof shall be conducted under the following rules.

Circumſtances under which complaints ſhall not be admitted.

LXXXI. No suit, complaint or information of the nature above mentioned, shall be admitted or proceeded upon by the collector or other officer vested with the cognizance of the same, unless it shall be preferred within the period of six months after the act for which the fine or other penalty may be demandable shall have been committed, excepting in cases in which the same shall be prosecuted on the part of Government, and good and sufficient cause be shewn why the suit was not preferred within the period of six months from the commission of the act whereupon the fine or other penalty is demandable.

Exception.

Stampt paper not to be required in ſuch complaints, nor for the execution of engagements.

Such documents to be admitted in evidence in courts of judicature, &c. although not written on ſtampt paper.

LXXXII. Petitions and other papers presented in suits, informations and complaints preferred under this Regulation before a collector of land revenue or other officer in charge of the abkarry mehal, shall not be required to be written on stampt paper; and all engagements contracted between Government or its officers and individuals under this Regulation, shall be received and admitted in evidence in the different courts of judicature, and by the collectors of land revenue and other officers in charge of the abkarry mehal, although not written on stampt paper.

Further duties of the officer in charge of the abkarry mehal, and magiſtrates.

LXXXIII. Whenever a collector or other officer in charge of the abkarry mehal shall have strong grounds to believe, either from charges preferred or evidence given on oath, or from his own personal knowledge, that the poppy is actually growing in the field of any ryot, contrary to the prohibition of this Regulation, he shall cause the crop to be immediately attached, if not already attached, by a competent officer, and the poppy to be destroyed. In the same manner, if he shall have good grounds to believe that any person actually has upon him or in his possession a quantity of contraband opium, he shall immediately issue his warrant for the seizure of the same; and in both these cases it shall be competent to the collector to issue a warrant for the immediate apprehension of the persons so charged or suspected of the illicit culture of the poppy, or the illegal possession of opium, summoning at the same time any witnesses that may appear necessary. The collector or other officer in charge of the abkarry mehal, together with the magistrate of the district, is likewise hereby authorised to seize, detain and search all boats, carriages, bales, chests and packages of every description in which he may have sufficient grounds to suspect that opium is concealed,

Additional duty of the officer in charge of the abkarry mehal.

LXXXIV. In all other cases in which any person may be accused, before the collector or other officer in charge of the abkarry mehal, of acts rendering him liable to any of the penalties prescribed in this Regulation, the collector or such other officer shall issue a summons, with or without requisition of security, to be served by a single chupprassy, requiring the attendance of the person charged either in person or by vakeel, as the case may appear to the collector to require, to answer to the charge, on or before a certain day to be specified in the summons; and if it be necessary to require bail, the extent of the bail shall be stated in the summons.—The collector or other officer aforesaid shall, at the same time, summon such witnesses as may be

named by the informer, and as he may judge it necessary to examine in proof of the accusation, to attend at the time appointed for the attendance of the accused.

Inveſtigation to be commenced with the leaſt poſſible delay.

LXXXV. In all cases in which the party accused or suspected may be apprehended, whether under the warrant of the collector or other officer in charge of the abkarry mehal, or by the police and abkarry darogahs, in the cases provided for in Sections XXXI, LXXIX. and LXXXIV. of this Regulation, or shall attend in person, the investigation by the collector or other officer aforesaid shall be commenced immediately on the arrival of the party at his cutchery, and shall be prosecuted with the least possible delay, consistently with a due inquiry into the facts: and generally all cases of this nature, tried before the collector or other officer in charge of the abkarry mehal under this Regulation, shall, as far as practicable, be proceeded upon on the day specified in the summons for the attendance of the party or his vakeel, unless it shall be necessary to postpone the investigation, in order to procure the necessary evidence.

The officer in charge of the abkarry mehal authorized to adminiſter an oath to the witneſſes in all matters under this Regulation.

LXXXVI. The collectors or other officers in charge of the abkarry mehal are hereby authorized to summon witnesses and administer oaths, or cause the execution of solemn declarations in lieu thereof, in respect to all matters brought before them under this Regulation, conformably with the provisions of Section VI, Regulation IV, 1793, and Section II, Regulation I, 1803, corresponding with Section VII, Regulation III, 1803, and Clause VI, Section XXV, Regulation VIII, 1803, for the conquered and ceded provinces; provided that if any witness shall refuse to take the oath required from him, he shall be sent to the judge of the zillah or city court, to be confined as prescribed by the Regulations in similar cases.

The refuſal of a witneſs to take the oath, provided againſt.

Officers in charge of the abkarry mehal to be guided by the Regulations enacted for the guidance of the magiſtrates.

Exception.

LXXXVII. The collector or other officer in charge of the abkarry mehal shall, in the summoning and the examination of witnesses, and in the general conduct of the investigation, be guided (except when otherwise prescribed) by the rules prescribed for the guidance of the magistrates in the trial of persons charged with offences punishable by them; provided however that in suits brought by any of the officers of Government, the personal attendance or deposition of the prosecutor shall not be required, but the prosecution shall be conducted by any agent or vakeel the prosecutor may choose to appoint for that purpose.

Penalty for perjury or ſubornation of perjury, in cauſes before the officer of the abkarry mehal ſtated.

LXXXVIII. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a collector or other officer entrusted with the abkarry mehal under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations; and any person causing or procuring another person to commit the offence of perjury as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said Regulations.

Reſiſtance of proceſs how puniſhable.

LXXXIX. Persons resisting any process issued by the collector or other officer entrusted with the abkarry mehal, in any case depending before him under this Regulation, shall be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV, 1793, Regulation VI, 1795, and Regulation XXVII. 1803, under the provisions therein specified.

Mode to be adopted by an officer of the abkarry mehal, requiring the aſſiſtance of the magiſtrate.

Aſſiſtance to be afforded by the magiſtrate, conſiſtent with law.

XC. Whenever the collector or other officer in charge of the abkarry mehal shall require the assistance of police darogas or other police officers, in the apprehension of persons charged before them, in attaching crops or seizing contraband opium, or generally in serving any process, he shall apply by a Persian roobakaree to the magistrate, who is authorized and enjoined to cause his police officer to carry the requisition of the collector or officer aforesaid into effect, as far as may be practicable and consistent with law.

Perſons convicted to be ſent to the zillah or city judge.

Duty of the judge.

XCI. Whenever any person may be adjudged to pay a fine or to be imprisoned for the illicit culture of the poppy, or the illegal vend, purchase, transportation or possession of opium under these rules, he shall be immediately sent with a roobakaree to the judge of the city or zillah, stating the purport of the order passed against the person in question; and the judge shall on those grounds give the necessary directions for the execution of the order accordingly, and shall transmit the fine, when levied, to the treasury of the collector.

XCII. All

Perſons ſentenced under this Regulation to impriſonment, to be confined in the Dewanny jail.

XCII. All persons sentenced to imprisonment under the provisions of this Regulation, and all persons confined for non-payment of the fines to which they may be liable, shall be confined exclusively in the Dewanny jail.

Reward paid on the part of Government in the event of no fine being levied from a convicted offender.

XCIII. In cases in which it may be necessary to imprison the offender, and in which a fine cannot or may not be levied from him, a reward of ten rupees shall be paid on the part of Government to the informant or informants, in lieu of his or their share of the fine to which the offender may have become liable under the provisions of this Regulation.

Rules to be observed in regard to perſons who may not have been convicted of the charges imputed to them.

XCIV. Persons who, after the investigation prescribed by these rules, shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released, and the expence, to which they have been actually subject on account of the inquiry, shall be paid to them by the collector or other officer in charge of the abkarry mehal on the part of Government. Should it further appear on investigation, that the inquiry originated in malice or in motives clearly vexatious and unwarranted on the side of the informant, it shall be competent for the collector or other officer aforesaid to order such informant to discharge the amount of any diet money which may have been paid to the witnesses, and to pay to the party aggrieved such moderate fine, not exceeding however, in any case, twenty rupees, as may appear reasonable, or to be confined for a period not exceeding fifteen days. Orders passed under this rule, shall be enforced in the same manner as other fines imposed under the provisions of this Regulation.

Duties of the authorities appointed to control the officers in charge of the abkarry mehal.

XCV. It shall be the duty of the Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares, to require from the officers under their control such periodical reports or returns, regarding their discharge of the duty entrusted to them under the provisions of this Regulation, as may appear to those Boards best calculated to enable them to judge whether the inquiries held by those officers on the trial of the cases cognizable by them are duly and speedily conducted, and whether the parties impleaded suffer any inconvenience which can be avoided.

How perſons may proceed to complain, who deem themſelves aggrieved by the inveſtigation or judgment of the collector.

XCVI. Persons dissatisfied with the judgments passed or acts done by the collectors or other officers in charge of the abkarry mehal under this Regulation, shall be at liberty to prefer an appeal, either in person or through an authorized agent, or through the medium of the collectors or other officers by whom the judgment may have been passed, by petition to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares respectively; and those Boards, after calling for such information as they may require from the collectors or other officers aforesaid, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to them conformable to the principles of substantial justice. Provided however that no such appeal shall be received, unless it shall be preferred within the period of one month after judgment shall have been passed by the collector. It shall be the duty of the collector, on any petition of appeal being presented to him for transmission to the Board, to cause the date on which it may be so presented to be endorsed on it, and to transmit the petition without delay; and whenever any party shall appeal directly to the Board, such appellant shall, within the period above prescribed, give notice of his having done so to the collector or other officer against whose decision he may have appealed.

Duty of the officer in charge of the abkarry mehal with reſpect to the payment of rewards.

XCVII. In all cases in which the opium agents or their deputies, the collectors or deputy collectors of customs, or superintendents of salt chokies, shall be entitled to any of the rewards prescribed in this Regulation, the collector of land revenue or other officer in charge of the abkarry mehal, shall report the case to the Board to which he may be subject, and await their orders for the distribution and payment of the same: in other cases in which any informer, subordinate officer of Government, shall become entitled to such reward, the collector shall adjudge and record the distribution of the same at the time of deciding the case, and if an appeal be not preferred under the provisions of the above Section, he shall proceed to the payment immediately on the expiration of the period allowed for such appeal. If the case be appealed, the distribution and payment of the rewards shall rest with the authority by which the final decision may be passed.

By whom the rewards ſhall be paid in the event of an appeal from the collector's deciſion.

Caſes cognizable by the courts of civil judicature defined.

XCVIII. If any disputes should arise between an opium agent or any officer of Government, and any person, on any matter relative to the cultivation, provision, transportation,

transportation, sale, purchase or possession of opium not provided for in this Regulation, either party is to be at liberty to apply for redress to the courts of civil judicature, and the case shall be tried and decided upon under the general laws, regulations and usages ordinarily observed in the civil courts.

No. 1.

FORM of Sunnud to be granted to Persons appointed to conduct the retail sale of Opium on the part of Government.

" Whereas by the authority of the Governor General in Council, I, *A. B.* have appointed *C. D.* to conduct the sale of opium at the shop or shops established on the part of Government at Pergunnah Zillah at the haut or hauts held at dependent on the above shop or shops, it is required of him, as a condition of this appointment continuing in force, that he duly and faithfully perform and abide by the following conditions : Form of Sunnud.

" That he will not adulterate the drug. That he will not be concerned directly or indirectly in the sale or traffic of opium on his account, or on the account of any other person, except that of Government. That he will not knowingly sell to the same person, in the same day, a larger quantity of opium than two tolas weight. That he will confine the sale of the drug to the above mentioned shop entrusted to his charge, and to the above mentioned places annexed as dependencies of the shop aforesaid. That he will not allow purchasers to remain at the shop for a longer time than may be necessary to supply them with the quantity of opium which they may respectively require. That he will not open the shop before sun-rise, nor keep it open after sun-set. That he will regularly and punctually render a true and just account of the sales made by him, after the Form prescribed and at the periods directed by me.

" Given under my hand and seal, this day of
" 18

No. 2.

FORM of License to be granted to Persons authorized to vend Opium.

" License, No. for the sale of opium at during the year B. S. or F. S. Form of Licenſe.

" Whereas by the authority of the Governor General in Council, I, *A. B.* authorize C. *D.* to open a shop for the sale of opium in the city (town or village) of in for the year B. S. or F. S.; it is required of him, as a condition of this License remaining in force, that he duly and faithfully perform and abide by the following articles: on the breach of any of which this License shall be forfeited.

" 1st. That he pay to Goverment a daily tax of sicca rupees.

" 2d. That he will not adulterate the opium.

" 3d. That he will sell no opium not purchased or procured by my authority.

" 4th. That he confine his sale of opium to the shop for which his license is granted, and on no account sell any opium without the limits of the above city, (town or village,) or establish a second shop within such limits, without taking out another license for the same.

" 5th. That he prevent gaming and disorder within his shop.

" 6th. That he do not harbour thieves or riotous persons, but on the contrary give information to the nearest magistrate, or police officer, of any suspected persons who may resort to his shop.

" 7th. That he do not receive any goods or wearing appparel, or other property in barter for opium.

 " 8th. That

" 8th. That he do not open his shop before sun-rise, nor keep it open after sun-set, and that he do not harbour any persons in it during the night.

" 9th. That he will have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription to the following effect, in the current language of the country.

" Licensed vender of opium."

" 10th. That he will restore this License to be cancelled on or before the day of B. S. or F. S.

" 11. All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said *C. D.* on account of the said shop during the aforesaid period, beyond the tax required to be levied by the Regulations, and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he continues to conform to the above special conditions, and to the Government Regulations that relate to him.

Registered. No. of

" Given under my hand and seal this day of

" 18

" *A. B.* Collector."

A. D. 1816. REGULATION XIV.

A REGULATION to provide more effectually for the management of the Public Jails; and to enable the Magistrates to maintain good order and discipline in those Jails; as well as among the Prisoners employed on the public roads, or other public works—Also to place the Jail at Allypore, in the vicinity of Calcutta, under the inspection and controul of the Court of Nizamut Adawlut; and to provide for the transportation of Convicts to the Island of Mauritius or its immediate dependencies:—Passed by the Governor General in Council, on the 17th May 1816; corresponding with the 5th Jeyte 1223 Bengal era; the 6th Jeyte 1223 Fusly; the 6th Jeyte 1223 Willaity; the 6th Jeyte 1873 Sumbut, and the 18th Jumadee-us-sanee 1231 Higeree.

Preamble.

WHEREAS rules for the better management of the public jails have been prescribed at different times, by the Governor General in Council, and court of Nizamut Adawlut; and it is advisable to provide by a Regulation for the due observance of such rules, as well as of any future rules which may be sanctioned by Government for the same purpose, or for the treatment of prisoners employed on the public roads or other public works; and whereas it is necessary to vest the magistrates with authority to punish certain offences, when committed by prisoners under their charge, or by the native officers employed in the custody of prisoners, who may not be subject to a military tribunal, with a view to maintain good order and discipline in the public jails, and other authorized places of confinement; and to enforce a due observance of the prescribed rules for the employment of prisoners; and whereas it is judged expedient to place the jail at Allypore in the vicinity of Calcutta, being the general receptacle of convicts under sentences of perpetual imprisonment and transportation, as well as of convicts sentenced to temporary imprisonment and banishment, under the immediate inspection and controul of the court of Nizamut Adawlut; and whereas it is necessary to extend the provisions of Clause Third, Section II, Regulation IX, 1813, to authorize the sending of convicts, under sentence of transportation, to the Island of Mauritius, or any of its immediate dependencies; the following rules have been enacted for the several purposes aforesaid, and shall be considered in force, from the time of their promulgation, throughout the several provinces immediately subject to this Presidency.

By what rules, for the management of the public jails, the magistrates to be guided.

II. The magistrates and their officers who have charge of the public jails, shall be guided by the printed rules which have been prescribed by the Governor General in Council, or court of Nizamut Adawlut, for the better management of those jails, and by such rules for the same purpose as may be hereafter sanctioned by the Governor General in Council, and transmitted for the guidance of the magistrates by the court of Nizamut Adawlut.

III. The magistrates who have charge of prisoners employed on the public roads, or on other public works, shall in like manner be guided by any rules, for the treatment of such prisoners, which have been or may be hereafter transmitted to them by the court of Nizamut Adawlut, with the sanction of Government.

And by what rules, for the treatment of prisoners employed on the public roads, or other public works.

IV. For the purpose of enabling the magistrates to maintain good order and discipline among the prisoners confined in the public jails or other authorized places of confinement, and to enforce a due observance of the prescribed rules by the employment of the prisoners under their charge; they are hereby vested with authority to punish, on a summary inquiry, the offences specified in the following section of this Regulation.

Magistrates authorized to punish certain offences, committed by prisoners, on a summary inquiry.

V. *First.*—A contumacious refusal to work, by any prisoner sentenced to hard labour, or though not so sentenced, who may be subject to labour, under any provision in the Regulations; or under the discretion declared to be vested in the magistrate by the orders of the court of Nizamut Adawlut, with respect to prisoners not exempted from labour by the sentences of the criminal courts, and not incapable of bodily labour from age, sickness or other infirmity.

Specification of offences which the magistrates are empowered to punish, under the preceding section.

Second.—Wilful neglect and indolence in the performance of any prescribed work by a prisoner subject to labour, as described in the above clause; especially after previous admonition.

Third.—Wilful disobedience to any of the written rules for the observance of prisoners and internal economy of a public jail, which may have been translated into the current language of the country, and suspended on a board, within the jail, for general information, as directed in the printed jail rules now in force.

Fourth.—Refractory behaviour by prisoners; such as resistance to the jailor, guards or other public officers, in the regular discharge of their proper functions; abusive language to any such officers; and generally any culpable behaviour towards them, which may not involve a serious act of criminality, such as cannot be duly punished by the magistrates, and should therefore be brought before the court of circuit.

Fifth.—Any other instance of disorderly conduct by a prisoner; such as riot, insurrection, attempt to escape, taking off or loosening or attempting to loosen, by filing, cutting, or otherwise, his own irons, or those of other prisoners, with a view to escape; conspiring with other prisoners for the purpose of insurrection or escape, or for any other criminal purpose; abusing or assaulting another prisoner, and generally any misconduct committed by a prisoner, whilst in custody, which under the Regulations in force, or from its aggravated nature, may not exceed the competency of the magistrate, and therefore be more properly cognizable by the court of circuit.

VI. *First.*—The powers vested in the magistrates for the punishment of the offences specified in the preceding section, which, on a summary inquiry, may appear to have been committed by any of the prisoners under their charge, are declared to be as follows; due regard being had to the nature of the offence, the condition of the prisoner, and every other just consideration applicable to the case.

In what manner and to what extent, the magistrates may punish the offences specified.

Second.—In cases of a contumacious refusal to work, or of wilful neglect and indolence in the performance of any prescribed work, within the first or second clause of Section V. of this Regulation, the magistrate may cause the prisoner to be moderately corrected with a ratan; and in the instance of a prisoner's pertinaciously refusing to work, may likewise order his diet allowance to be reduced, in such degree as may be consistent with his support, until he shall perform the work required from him.

Contumacious refusal to work, or wilful neglect, and indolence in the performance of any prescribed work, how punishable.

Third.—The offences specified in the third, fourth, and fifth clauses of the preceding section, shall be punishable, according to the nature and circumstances of the case, by stripes with a ratan, not exceeding the general limitation prescribed for this mode of punishment by a magistrate, viz. thirty ratans, or by close, and as far as practicable, by solitary confinement; or when a prisoner may have attempted to escape, by the substitution of heavy fetters for those in ordinary use, which are directed by the jail rules to be of a light and uniform construction; by the temporary addition of neck-chains of a moderate weight, when the prisoner may have been refractory or turbulent, or guilty of any act of violence; and in aggravated or emergent cases of this nature, by the further restraint of handcuffs, whilst such restraint, which

What punishment may be inflicted for the offences specified in the Third, Fourth, and Fifth clauses of the preceding Section.

which is never to be imposed without necessity, shall appear to be requisite for the safeguard of the prisoner, or to prevent his doing mischief to others.

Powers declared to be vested in magistrates may be exercised by joint magistrates, and by assistant magistrates, not stationed at the same place with the zillah and city magistrates. The magistrates may also refer any cases to their assistants at the sudder stations. Rule to be observed in such references. In what case the assistant may exercise the same powers as the magistrate.

VII. The powers declared to be vested in magistrates by this Regulation, may of course be exercised by joint magistrates and assistant magistrates, who are not stationed at the same place with the zillah or city magistrates, and who, under the general Regulations, are invested with the authority of magistrates, with respect to prisoners under their immediate charge. The zillah and city magistrates are further empowered to refer to their assistants at the sudder stations, any cases within the provisions of this Regulation; observing the rule prescribed in Section XXI, Regulation IX, 1807; viz. that the order of reference direct, whether the assistant is to submit his proceedings for the magistrate's decision, or to pass his own determination on the case referred to him. If the assistant be authorized to determine the case referred to him, he is empowered to pass the same order as might have been passed by the magistrate; but his decision will be open to revision by the magistrate, if the latter see cause for it, as provided in the section above cited, with respect to all judgments passed by the assistant to a magistrate, who is not vested with the full powers of magistrate.

What record to be kept of the summary inquiries, and convictions, provided for by this Regulation.

VIII. It shall not be necessary to make a detailed record of the evidence, or of any part of the proceedings held in the summary inquiries authorized by this Regulation; nor shall it be requisite to examine witnesses upon oath, except in cases of a serious nature, involving offences specifically provided for by the general rules in force for the administration of criminal justice. But a record shall be kept of every summary conviction and punishment; stating the name of the prisoner, the offence charged against him, the substance of the evidence and conviction; or the magistrate's personal view when the facts of the case may have taken place within his view; and the punishment ordered, with the date of the order, to be signed by the public officer by whom it may be passed. The record so authenticated shall be kept ready for the inspection of the judge of circuit on his visiting the jail at the ensuing jail delivery, that a reference may be made to it in the event of any complaints being preferred by the prisoners. Should the judge of circuit see cause to disapprove the order of a magistrate or his assistant, in any instance, he will notice the same to the magistrate, with any instructions which may appear necessary and may be consistent with the Regulations in force; or if the magistrate or his assistant, appear in any instance to have been guilty of any gross neglect or other misconduct, such as is required to be reported to the Nizamut Adawlut by Section LXIII, Regulation IX, 1793, and Section XXX, Regulation VII, 1803, or by any other Regulation in force, the judge of circuit, after calling for any requisite explanation, shall report the same accordingly.

The authenticated record to be ready for inspection of the judge of circuit who may visit the jail at the ensuing jail delivery.

Judge of circuit how to proceed, if he disapprove the order of the magistrate, or his assistant.

Provision for the punishment of watchmen, guilty of gross neglect or misconduct, in the discharge of duty, contained in Section VI, Regulation III, 1812, extended to burkundazes, pykes, and other inferior officers attached to a public jail, or employed in the charge of prisoners; or generally in the performance of any public duty under a magistrate, police darogah, or other person in charge of the police.

IX. *First.*—Section XI, Regulation III, 1812, whereby all descriptions of watchmen subject to a cutwal or darogah of police, who may be proved guilty of gross neglect or misconduct in the discharge of their duty, are made liable to corporal punishment, not exceeding thirty stripes of a ratan, by sentence of the local magistrate, instead of fine or imprisonment, when the offender may appear a fit object of corporal punishment by stripes, and the magistrate shall be of opinion that the infliction thereof will operate as a better example than the penalty of fine or imprisonment; is hereby extended, under the same provisions and restrictions, to instances of gross neglect or misconduct in the discharge of their respective duties, which may be established against any burkundaze, pyke, or other inferior officer attached to a public jail, or employed in the charge of prisoners, or generally in the performance of any public duty, under a magistrate, police darogah, or other person in charge of the police.

Magistrates to prevent any mal-treatment of prisoners by the native officers having charge of them.

Complaints of prisoners to be immediately inquired into. And how redressed, if proved to be well founded.

Second.—The magistrates shall be careful to prevent any mal-treatment of prisoners, by any of the native officers attached to their respective jails, or in charge of prisoners employed on the public roads. All complaints of prisoners, against the officers having charge of them, shall be immediately inquired into by the magistrates, and if proved to be well founded, the offenders shall be liable to immediate dismission, besides a fine, not exceeding one month's salary, or imprisonment not exceeding six months; or when the offender may be a burkundaze, pyke or other inferior officer, to corporal punishment with a ratan, in pursuance of the rule contained in the preceding clause.

Third.—It

Third.—It is not of course intended that the two foregoing clauses of this section should be considered applicable to any military guards, sepoys, or officers, or to persons of any denomination, who are subject to a military tribunal. In the event of any such persons being guilty of a neglect of duty, or other misconduct involving an offence cognizable by a court martial, whilst employed in the custody of prisoners, the magistrate will continue to observe the rule prescribed for such cases in Section X, Regulation XI, 1806.

The two foregoing clauses not applicable to military guards, or any persons subject to a military tribunal.

Section X, Regulation XI, 1806, to be observed, as heretofore, in cases of neglect, or other misconduct, by such persons, which may be cognizable by a court martial.

X. *First.*—If any convict, under sentence of imprisonment, shall, from his uniform good behaviour and industrious performance of the work assigned to him, or from his meritorious conduct in preventing the escape of other prisoners, or rendering any other public service, appear to the magistrate, having charge of him, to deserve a remission of the further punishment to which he may be liable under his sentence, or of any part of it; a report of the circumstance of the case, with a copy of the sentence passed upon the prisoner, shall be transmitted by the magistrate to the court of Nizamut Adawlut; who are hereby declared empowered (except in cases of prisoners of state, which shall be reported for the orders of Government, in conformity with the principle of Section III, Regulation XIV, 1810) to remit the further punishment adjudged against the prisoner, in whole or in part, if there appear to be sufficient cause for it.

Magistrates how to proceed when a convict, under sentence of imprisonment, may appear, from his good conduct, to deserve a remission or mitigation of his remaining punishment.

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Second.—In cases of short imprisonment, adjudged by the magistrate or his assistant, wherein the object would be defeated by the delay attending a reference to the Nizamut Adawlut as directed in the above clause, the magistrate is empowered to order the discharge of a prisoner who may appear to deserve a remission of punishment on the grounds specified; provided that his reasons for every such order be recorded on his proceedings, to be submitted when required for the information of the judge of circuit who may hold the ensuing jail delivery.

In what cases the magistrate may order the discharge of a prisoner, under the circumstances stated, without a previous reference to the Nizamut Adawlut.

XI. The jail at Allypore, in the vicinity of Calcutta, being a receptacle for convicts under sentences of perpetual imprisonment and transportation, as well as for other convicts under sentence of banishment, who are sent to that jail, from all the zillah and city jurisdictions under this Presidency, and it appearing expedient that the occasional inspection of this jail, for which special provisions are contained in the third and fourth clauses of Section II, Regulation XIV, 1811, should be committed to the judges of the Nizamut Adawlut; the following provisions are enacted for this purpose.

Reasons for placing the jail at Allypore, in the vicinity of Calcutta, under the immediate inspection and controul of the judges of the Nizamut Adawlut.

XII. *First.*—So much of Section LXII, Regulation IX, 1793, as directs that the judges of circuit shall visit the zillah jail of the twenty-four pergunnahs once in every three months, or oftener if they think proper, and issue to the magistrate such orders as may appear to them advisable for the better treatment and accommodation of the prisoners, shall not be hereafter considered applicable to the jail at Allypore, under charge of the magistrate of the suburbs of Calcutta.

Provision for this purpose, with regard to the inspection of the jail at Allypore.

Second.—The duty above mentioned, with respect to the jail at Allypore, shall be performed by one of the judges of the Nizamut Adawlut; either in rotation, or in such manner as may, from time to time, be determined by the judges of that court.

This duty to be performed by one of the judges of the Nizamut Adawlut, in rotation or as may be determined by that court.

XIII. The foregoing section is not meant to restrict the authority, or alter the established duties of the Calcutta court of circuit, with respect to the proper zillah jails of the zillah denominated the suburbs of Calcutta, in pursuance of Regulation XIV, 1814, and which are distinct from the Allypore jail. Nor is it intended to affect the powers and functions of the court of circuit, with regard to any of the prisoners under the charge of the magistrate of the suburbs of Calcutta, except such as are confined in the Allypore jail, referred to in the third and fourth clauses of Section II, Regulation XIV, 1811, or are considered to belong to that jail, though employed on the public roads, or other public works, under the direction of the magistrate of the suburbs of Calcutta.

Explanation of the foregoing section, as not meant to restrict the authority, or alter the duties, of the Calcutta court of circuit, with respect to the proper zillah jails of the suburbs of Calcutta, which are distinct from the Allypore jail.

Further explanation, what prisoners under charge of the magistrate of the suburbs of Calcutta are within the intention of the preceding section.

XIV. It is further hereby explained that nothing in the present Regulation is meant to alter the established jurisdiction of the court of circuit, with respect to the trial of serious offences committed by prisoners in the Allypore jail, or by any other prisoners under charge of the magistrate of the suburbs of Calcutta; the cognizance

All prisoners under charge of the magistrate of the suburbs of Calcutta declared subject to trial before the court of circuit, or commitment by

the magiſtrate, for serious offences, under the Regulations in force.

of which, on commitment by the magistrate, may belong to that court, under the Regulations in force.

Proviſions in Clauſe Third, Section II, Regulation IX, 1813, extended to veſt a diſcretion in the Governor General in Council, for ſending convicts under ſentence of tranſportation, to the iſland of Mauritius.

XV. The provisions contained in Clause Third, Section II, Regulation IX, 1813, for sending convicts under sentence of transportation, to any of the British settlements in Asia, at the discretion of the Governor General in Council, and for employing such convicts within the limits of such settlements, as well as for transferring them from one place to another when found requisite, are hereby extended to the exercise of a similar discretion by the Governor General in Council, in sending convicts under sentence of transportation to the island of Mauritius, or its immediate dependencies, as well as to the employment of them at the place to which they may be transported; and the removal of them to any other place, if there should be occasion for it.

A. D. 1816. REGULATION XV.

A REGULATION for expediting the trial of civil suits in which the native officers and soldiers attached to regular corps on the Military establishment of the Presidency of Fort William may be parties, and for giving to them certain facilities in the maintenance of their rights, claims and interests.—Passed by the Governor General in Council, on the 10th June 1816; corresponding with the 29th Jheyte 1223 Bengal era; the 30th Jheyte 1223 Fussily; the 30th Jheyte 1223 Willaity; the 15th Jheyte 1873 Sumbut; and the 13th Rujub 1231 Higeree.

Preamble.

WHEREAS by the local distribution of the regular forces on the military establishment of the Presidency of Fort William, the native officers and soldiers are liable to be stationed at places remote from their homes and families; and whereas the constitution and nature of the service render it generally impracticable to grant to the native officers and soldiers a frequent or prolonged leave of absence from their military duties, in consequence of which, material difficulty and embarrassment have been unavoidably experienced by them in maintaining and preserving their just rights, claims and interests; and whereas the fidelity and courage exhibited by the native troops, in various wars on the continent of India, and the zeal and alacrity which they have uniformly displayed in voluntarily embarking on foreign expeditions, entitle them to the favourable consideration of Government; the Governor General in Council, with the view of manifesting his sense of their good conduct, and of affording to them every facility in the maintenance of their rights, claims and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice and for the collection of the land revenue, has enacted the following rules, to be in force, from the period of their promulgation, throughout the territories immediately dependent on the Presidency of Fort William.

Proviſions of certain Regulations modified.

II. Such parts of the Regulations in force as prohibit the courts of civil justice from corresponding by letter with parties in depending suits, or as direct that no pleadings shall be received in any civil cause except from the parties or their authorized pleaders; such parts of the Regulations in force as require generally, that depending causes shall be brought to trial according to the order in which they may stand on the file; and such parts of the Regulations in force as prohibit the courts from furnishing copies of decrees, or from receiving mokhtarnamahs on any other paper than the prescribed stampt paper, are hereby declared to be subject to the modifications contained in the following sections of this Regulation.

Native officers and Soldiers may authorize any perſon to inſtitute and conduct ſuits in which they may be a party.

III. *First.*—Whenever a native officer or soldier on the military establishment of the Presidency of Fort William may be desirous of instituting a regular or summary suit in any of the local courts of civil judicature, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a mokhtarnamah or power of attorney, drawn up according to the form No. 1, in the appendix to this Regulation, authorising and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in

appeal, in the same manner as if the party were himself personally present and consenting.

Second.—Such mokhtarnamah shall not be required to be written on stampt paper, but shall be executed by the native officer or soldier in the presence of the commanding officer of the corps or detachment to which he may belong, who shall countersign the same, in testimony of its having been voluntarily executed.

The mokhtarnamah need not be written on stampt paper.

Third.—The mokhtarnamah so executed is to be transmitted by the commanding officer, under cover of a public letter drawn up in the form No. 2. of the appendix, addressed to the register of the court in which the suit is to be instituted; and upon the receipt of such letter, a notice shall be issued by the court for the purpose of procuring the attendance, either personally or by a constituted vakeel, of the person nominated in the mokhtarnamah.

The above document is to be transmitted to the register of the court by the commanding officer.

Fourth.—If such person shall refuse to attend the court in person or by a constituted vakeel, or shall decline to undertake the trust, or shall subsequently die, or be prevented by any other sufficient cause from discharging the duty confided to him, the court shall cause information of the same to be communicated to the native officer or soldier, by an extract from the proceedings of the court, enclosed in an official letter to be addressed by the register, or in his absence by the judge, to the commanding officer of the corps.

The judge is to communicate the inability or refusal of a mokhtar, to undertake the trust.

Fifth.—If the person nominated and appointed in the mokhtarnamah shall attend the court in person or by a constituted vakeel, and shall consent to undertake the duty confided to him, the original mokhtarnamah shall be deposited in the court and annexed to the proceedings which may be held on the suit. The mokhtar or attorney, so appointed and attending, may at his option, either prosecute the suit and conduct the pleadings in person, or may constitute for that purpose one or more of the authorized pleaders of the court, under the provisions of Regulation XXVII, 1814. In all other respects the suit shall be instituted, tried and determined, in conformity with the general rules in force for the institution and trial of other similar suits; provided however, that when the native officer or soldier, who may be the real party in the suit, shall not be himself present at the time of its decision, an authenticated copy of the decree, written on unstampt paper, shall, in each instance be transmitted, through the register of the court, to the commanding officer of the corps or detachment, for the purpose of its being communicated to the native officer or soldier.

The mokhtarnamah to be filed with the court's proceedings, if accepted by the person therein nominated to superintend the cause.

The suit is to be investigated in other respects under the general Regulations.

Sixth.—It is hereby explained that no part of the preceding clauses, or of the subsequent provisions of this Regulation, is intended to be applicable to claims originating in loans granted by a native officer or sepoy, or in pecuniary transactions of a commercial nature.

IV. *First.*—For the purpose of preventing as far as may be practicable the occurrence of ex parte trials in suits instituted against native officers or soldiers, it is hereby further enacted, that whenever a suit may be instituted in any civil court against a person being a native officer or soldier attached to a regular corps on the military establishment of the honourable Company under the Presidency of Fort William, the plaintiff or appellant shall be required to state the same distinctly in his plaint or petition of appeal; and to specify, to the best of his knowledge and belief, the corps to which such native officer or soldier may be attached. If the plaintiff or appellant shall be unable to specify the corps, it shall be the duty of the court trying the suit, to endeavour to ascertain the point by such means of inquiry as may appear practicable and expedient.

Rules to be observed to prevent an ex-parte trial of a cause in which a soldier or native officer is defendant.

Second.—A notice in the usual form, together with a copy of the plaint or petition of appeal on unstampt paper, enclosed in an official letter drawn up according to the form No. 3. of the appendix, shall be then transmitted by the register, or in his absence by the judge, to the commanding officer of the corps, for the purpose of its being communicated to the native officer or soldier against whom the suit may have been instituted: a similar notice shall be issued, when omitted in the first instance from ignorance of the defendant's being a native officer or soldier attached to a regular corps, if at any subsequent period during the trial of the suit, it should appear to the court, that the defendant or respondent is a native officer or soldier as above described; and in cases in which the plaintiff or appellant shall wilfully and intentionally omit to state, in his plaint or petition of appeal, that the defendant

A notice in the usual form to be transmitted to the commanding officer.

Fine to be imposed on a plaintiff or appellant in certain cases.

defendant or respondent is a native officer or soldier, the court shall impose on such plaintiff or appellant a discretionary fine, not exceeding one-fourth of the amount of the institution fee, or stamp duty, in each case.

The commanding officer, on receipt of the notice, will cauſe it to be duly ſerved.

Third.—The commanding officer, after causing the notice to be served on the party to whom it is addressed, if practicable, shall return it to the register or judge, with the written acknowledgment of the party endorsed thereupon, together with any mokhtarnamah which the party may be desirous of executing according to the form No. 1. in the appendix, for appointing an attorney to defend the suit in his behalf. If from any cause the notice transmitted to the commanding officer cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the register or judge from whom it may have been received, with information of the cause which has prevented the service of it.

Meaſures to be adopted by the judge if the notice cannot be ſerved.

In such case the court shall either make a further reference, with the view of causing the notice to be duly communicated to the native officer or sepoy, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, may appear to be proper and consistent with the Regulations.

Rule to be obſerved by commanding officers in granting leave of abſence to ſoldiers and native officers, to enable them to ſuperintend their own ſuits.

V. *First.*—When a native officer or soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the local courts of civil judicature, he shall be at liberty to request from the commanding officer of the corps or detachment, an official letter addressed to the register of the court in which the suit is to be tried; such letter shall be drawn up according to the form No. 4. of the appendix to this Regulation, but shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

The court authorized to nominate a vakeel on behalf of the native officer or ſoldier.

Second.—Such letter shall be delivered in person by the native officer or soldier to the register, or in his absence, to the judge of the court, who is hereby authorized, at the request of the party, to nominate a vakeel of the court for the purpose of furnishing to the native officer or soldier his legal aid and advice in preparing the pleadings, and in carrying on the prosecution or defence of the suit. The register or judge shall at the same time cause the native officer or soldier to be duly apprised

Proviſions of Regulation XXVII, 1814, to be duly attended to on ſuch occaſions.

of the provisions contained in Regulation XXVII, 1814, and of any other Regulation in force, relative to the duties and established fees of the pleaders attached to the civil courts, which must of course be observed whenever a native officer or soldier may wish to consult or employ a pleader.

A native officer or ſoldier may plead his own cauſe or appoint his own pleader.

VI. Nothing contained in the preceding section shall be construed to prohibit a native officer or soldier from pleading his cause in person, or from employing any other authorized pleader of the court, whom he may prefer, instead of the pleader nominated for him by the court.

Suits inſtituted under this Regulation to be heard as ſoon as poſſible.

VII. *First.*—The courts of civil judicature are hereby authorized and required to bring to a hearing, without regard to the order in which they may be filed, all suits, excepting those of the nature alluded to in the sixth clause of Section III. of this Regulation, in which a native officer or soldier, who may have obtained leave of absence from his corps, may be a party, and to pass a decision on such suits as speedily as may be consistent with the general rules in force, and with the due administration of justice.

Mode to be adopted by the court in the event of the expiration of the furlough before the cauſe be decided.

Second.—If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native officer or soldier, the judge or register before whom the suit may be depending, is hereby vested with a discretionary authority to grant to such native officer or soldier, an extension of his leave of absence for a period sufficient to admit of a reference being made to the commanding officer of the corps, with a view to ascertain whether the furlough can be prolonged for any further specific period. But whenever a judge or register may avail himself of the discretion above vested in him, he shall be careful to report the same immediately in an official letter to the commanding officer of the corps to which the native officer or sepoy may be attached.

Ditto, ditto.

Third.—In all cases in which a native officer or soldier may return to his corps before a final decision can be passed in his suit, he shall be at liberty either to leave the further conduct of the suit to a constituted mokhtar under a mokhtarnamah, duly executed according to the form No. 1. in the appendix to this Regulation, or to one or more of the established pleaders of the court empowered to act for him by a regular vakeelutnamah. In either case a copy of the decree which may be passed

passed in the suit shall be transmitted for the information of the native officer or soldier, in the manner prescribed in the fifth clause of Section III. of this Regulation.

VIII. Whenever any land or real property belonging to a native officer or soldier may be attached by a court of justice, for the purpose of realizing the amount of any judgment, fine or penalty imposed on such native officer or soldier, the court shall cause notice of the same to be issued in the manner prescribed in the second clause of Section IV. of this Regulation, and shall postpone the sale for such definite period as may appear reasonable, for the purpose of affording an opportunity to the native officer or soldier to discharge the amount of the judgment, fine or penalty.

Rules to be obſerved when any land or real property belonging to a ſoldier or native officer is attached.

IX. *First.*—Any registered proprietor of an estate paying revenue to Government, who may be entertained as a native officer or soldier on the military establishment under the Presidency of Fort William, shall be at liberty to notify the same in a petition to the collector, specifying the rank which he may hold and the designation of the corps to which he may be attached. A memorandum of such notification shall be inserted by the collector in the public registers and accounts relative to the estate and its assessment; and in cases in which the estate, or a portion of the estate of a native officer or soldier, who may have duly made such notification, shall become liable to public sale for the recovery of an arrear of revenue, the collector shall address an official letter to the commanding officer of the corps, drawn up in the form prescribed in No. 5. of the appendix to this Regulation; the collector shall enclose in such letter a written notice, signed and sealed by himself and attested by the principal native officer on his establishment, specifying the amount of the arrear, the date on which it became due, and requiring it to be paid at the treasury of the collectorship within such limited period of time, as on consideration of the distance at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Any regiſtered proprietor of an eſtate paying revenue to Government, entertained as a native officer or ſoldier, may notify the ſame to the collector.

Duty of the collector in ſuch caſes, and in the event of an arrear of revenue becoming due.

Second.—The commanding officer of the corps shall acknowledge the receipt of the collector's letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

Duty of the commanding officer on receiving from the collector a report of ſuch arrears.

Third.—If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the collector shall report the circumstances of the case to the Board of Revenue, or to the Board of Commissioners, or to the Commissioner in Behar and Benares respectively, transmitting at the same time a copy of the notice and of his correspondence with the commanding officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board or Commissioner.

Collectors how to proceed in caſes where arrears may not be diſcharged within a ſpecified time.

X. *First.*—Nothing contained in this Regulation shall be construed to affect or to alter the rules and provisions of Regulation XX, 1810; or to authorize the commanding officer of any corps or detachment to correspond with the civil courts, or with the collectors, regarding the merits of any judgment or order passed by them in the discharge of their official duty under the provisions of this Regulation.

Nothing in this Regulation to be conſtrued as affecting the proviſions of Regulation XX, 1810, or any modification of the latter Regulation.

Second.—Nothing contained in this Regulation shall be construed to modify or to affect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions, or to local or irregular corps, or who may be camp followers, or non-combatant retainers of the army, or who may be relations, or members of the family of a native officer or soldier, may be parties; the foregoing provisions of this Regulation are to be considered as strictly and exclusively applicable to native officers or soldiers who may be entertained in regular corps and on the actual strength of the army, on the establishment of the Presidency of Fort William.

The proviſions of this Regulation not to be conſidered applicable to certain deſcriptions of perſons.

XI. *First.*—The following clauses of this section, forming the substance of general orders passed by the Vice President in Council on the 10th of April 1810, and on the 22d of July 1814, are hereby enacted, for general information.

Subſtance of general orders of the 10th of April 1810, and 22d of July 1814.

Second.—The sub-treasurer at the Presidency, the residents at Delhi and Lucnow, the collectors of land revenue, and the paymasters at stations subject to the Presidency of Fort William, including the paymasters who may at any time be serving

Facilities afforded to native officers and ſoldiers for the remittance of money.

beyond the territories of the honourable Company, are hereby authorized to grant bills in duplicate, payable at sight, and at the usual rate of exchange, on any other treasury, for any sums which may be paid into their respective treasuries on account of native officers or soldiers, who may be desirous of remitting money from one part of the country to another.

No deduction whatever to be made.

Third.—Provided that in all cases in which sicca rupees may be paid into a treasury by a native officer or soldier, he shall be entitled to receive the same amount at the treasury where payment is required, without any deduction whatever.

APPENDIX.

FORM No. 1.

" Whereas I, *A. B.*, inhabitant of village pergunnah in the district of son of of the cast of at present [*here specify his rank*] of the battalion of the regiment stationed at having occasion to institute (*or*, defend) an action for * do hereby nominate and appoint *C. D.* † to be my attorney, (*or*, mokhtar) and I bind myself to abide by whatever he the said attorney may do in my behalf in the prosecution ‡ (*or*, defence) of the said suit.

" The said attorney will either prosecute (*or*, defend) the suit in person, or will appoint one or more of the authorized vakeels of the court to prosecute (*or*, defend) the same under the instructions of the said attorney, as he may think proper. In the event of an appeal being preferred from the judgment passed in the suit, the said attorney is further hereby empowered to act for me on the appeal, in like manner as on the original suit.

(Signed)

" Executed in my presence,

" Com^dg. Detatcht. *or*, Bat. *or*, Regt."

FORM No. 2.

" To

" Register of the Civil Court of Zillah

" Sir,

" In conformity with the third clause of Section III, Regulation XV, 1816, I have the honour to transmit to you a power of attorney duly executed in my presence by *A. B.* son of *C. D.* of the cast of inhabitant of officer (*or*, sepoy) [*as the case may be*] of the battalion regiment.

" I am, Sir, &c.

" Com^dg. Bat. Regt."

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* Here insert briefly the nature and object of the suit; and the name of the adverse party or parties.

† Here insert the name, place of residence, cast, and his relationship (if any) to the native officer or soldier.

‡ As the case may be.

FORM No. 3.

" To
" Commanding the Battalion Regiment
at

" Sir,

" In conformity with the second clause of Section IV, Regulation XV, 1816, I have the honour to transmit to you the copy of a plaint filed in case No. in this court, by against stated to be an officer (*or*, sepoy) in the corps under your command, together with a notice, which I request you will cause to be served on the said
You are requested to acknowledge the receipt of the notice, and to inform the court whether it has been duly served on the above named or the reasons which may have prevented its being served on him.

" I am, Sir, &c.

" Dewanny Adawlut." Judge."

FORM No. 4.

" To
" Register
" Zillah, or City or Provincial Court.

" Sir,

" In conformity with the first clause of Section V, Regulation XV, 1816, I have the honour to inform you, that the bearer of this letter, *A. B.* son of *C. D.* of the cast of inhabitant of officer (*or*, sepoy) of the battalion regiment, &c. has obtained permission to be absent from his corps for the period of months, for the purpose of instituting (*or*, defending) a suit in the zillah, city or provincial court of

" I am, Sir, &c.

" Com^dg. Bat. Regt."

FORM No. 5.

" To
" Commmanding Officer of the Battalion Regiment.

" Sir,

" I have the honour to inform you that the right of *A. B.* in the village (*or*, estate) of is about to be sold on account of arrears of public revenue for the year

" In conformity with the first clause of Section IX, Regulation XV, 1816, I herewith enclose a written notice to be communicated to said to be an officer (*or*, sepoy) in the corps under your command, and who is alleged to be the proprietor (*or*, sharer) of the village or estate in question.

" You are requested to acknowledge the receipt of this letter, and to furnish the information required in the 2d clause of Section IX, Regulation XV, 1816.

" I am, Sir, &c.

" Dewanny Adawlut." Judge."

A. D. 1816. REGULATION XVI.

A REGULATION for extending for a further period of five years the existing settlement in the provinces ceded by the Nawaub Vizier to the British Government, in all cases in which the settlement may have been concluded with the actual proprietors of the land:—Passed by the Governor General in Council, on the 5th July 1816; corresponding with the 23d Assar 1223, Bengal era; the 25th Assar 1223 Fusly; the 24th Assar 1223 Willaity; the 11th Assar 1873 Sumbut; and the 8th Sabaun 1231 Higeree.

Preamble.

WHEREAS the existing settlement of the provinces ceded by the Nawaub Vizier to the British Government will expire with the year 1224 Fuslee; and whereas an extension of the said settlement, at an equal jumma, in all cases in which it has been formed with the actual proprietors of the soil, is calculated to promote the interests of the landholders, whilst it will afford due time to the public officers to collect the materials which are indispensably requisite as the basis of any ulterior proceeding; the following rules have been enacted, to be in force from the period of their promulgation in the ceded provinces.

The existing settlement of the land revenue of the ceded provinces, in certain cases, to continue in force until the expiration of the year 1229 Fuslee.

II. The existing settlement of the land revenue of the provinces ceded by the Nawaub Vizier to the British Government shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1229 Fuslee, subject to the following provisions.

The zemindars in whose favour a remission on account of a russud jumma may have been sanctioned by Government, will be entitled to the same indulgence during the ensuing quinquennial settlement.

III. If the russud or progressive increase in the jumma, demandable from the zemindars under their engagements on account of the year 1224 Fuslee, shall in any case, have been remitted with the sanction of Government, the zemindars who may have received such remission shall be deemed entitled to the same indulgence during the ensuing quinquennial settlement,

Zemindars who may be unwilling to hold their lands on the terms above specified, for a further period of five years, to notify the same to the collector on or before the 1st March 1817.

IV. If any zemindars, who may have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue to hold their lands on the terms specified in the preceding sections of this Regulation, for a further period of five years, viz. to the expiration of the year 1229 Fuslee, they shall notify the same to the collector of the zillah within which their lands may be situated, on or before the 1st March 1817, corresponding with the 19th Phagoon 1223 Bengal era; the 27th Phagoon 1224 Fuslee; the 20th Phagoon 1224 Willaity; the 13th Phagoon 1873 Sumbut; and the 12th Rubee-us-Sanee 1232 Higeree.

Zemindars failing to make that notification within the period above cited, shall be responsible for the payment of the same revenue during the ensuing five years, as may be specified in their engagements for the year 1224 Fuslee.

V. All zemindars, who shall not make a notification to the effect and within the period above mentioned, shall be held and are hereby declared to be responsible for the payment of the same revenue during the ensuing five years, viz. until the expiration of the year 1229 Fuslee, as may be specified in their engagements for the year 1224 Fuslee, subject however to the qualification specified in Section III. of this Regulation.

The settlement of estates let to farm, with whom to be concluded.

VI. With respect to the estates which are at present let to farm, and of which the leases will expire with the Fuslee year 1224, the settlement of such mohauls shall be made with the actual proprietors, in all cases in which they may be willing to engage during the years 1225, 1226, 1227, 1228 and 1229, for the payment of an annual jumma equal to the amount payable by the farmers respectively on account of the year 1224, and shall make the necessary application to the collector of the district in which the lands may be situated, or to the Board of Commissioners, on or before the 1st March next.

The settlement of lands held khas how to be formed.

VII. With respect to lands at present held khas, the settlement of all such lands shall be formed for the years 1225, 1226, 1227, 1228 and 1229, with the zemindars or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue, on such terms as may appear reasonable.

VIII. In

VIII. In cases in which the zemindars may decline to engage for the payment of the revenue demandable from their lands during the ensuing five years, or in which no acknowledged proprietors of the lands may be forthcoming, it will of course be the duty of the revenue authorities to consider whether the lands shall be let to farm, or whether the rents shall be collected directly from the great body of the ryots; or in other words, whether the lands shall be held khaus, or whether a settlement shall be formed for the above period of five years for the several villages, with the head ryot, however denominated, of each village respectively.

The revenue authorities how to proceed with respect to the lands of zemindars who may decline to engage for the payment of the revenue demandable from them, for the ensuing five years.

A. D. 1816. REGULATION XVII.

A REGULATION for the occasional revision of the regular Police and Jail establishments; for the due support and regulation of the establishments of Chokeedars; for amending the Rules in force for the appointment and removal of Police Officers; for modifying the constitution of the offices of the Superintendents of Police; and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizamut Adawlut.—Passed by the Governor General in Council, on the 26th July 1816; corresponding with the 12th Sawun 1223 Bengal era; the 17th Sawun 1223 Fussily; the 13th Sawun 1223 Willaity; the 2d Sawun 1873 Sumbut; and the 29th Shabaan 1231 Higeree.

WHEREAS with a view to the reduction of the public expenditure, it is expedient to provide for the occasional revision of all police and jail establishments, which may be entertained at the charge of Government, in the provinces immediately dependent on the Presidency of Fort William; and whereas it is requisite, for the due support, regulation and controul, of the subsidiary police establishments which either have been, or which may hereafter be entertained on the principles of the provisions of Regulation XIII, 1813, that the state of those establishments should, at convenient periods, be brought under consideration of Government; and whereas, with a view to enable the zillah and city magistrates to exercise a more efficient controul over the jailors and the subordinate officers on the jail establishments, the cutwals, darogahs of police, and the subordinate officers on the police establishments within their respective jurisdictions, as well as (under certain restrictions) to distribute their thannah police establishments in such manner as may be most beneficial to the police, it has been deemed expedient to modify some of the rules at present in force regarding the appointment and removal of the aforesaid officers, and the distribution of their subordinate establishments; and whereas it is expedient that the superintendents of police should be empowered to appoint or remove, by their own authority, any of the native ministerial officers employed on their respective establishments, and likewise that they should be empowered to fine and suspend darogahs and other officers of police; and whereas it is expedient, in other respects, to revise and amend the constitution of the offices of superintendents of police, and more expressly to define the duties of those officers, as well as to relieve the courts of circuit and court of Nizamut Adawlut from miscellaneous details unconnected with their more immediate and important functions, and to render the offices of the superintendents of police the channel of such part of the correspondence of the local magistrates with the Government as may conveniently be conducted through those offices: The following rules have accordingly been passed, to be in force from the date of their promulgation throughout the provinces dependent on the Presidency of Fort William.

Preamble.

II. *First.*—A general register of all establishments of police or jail guards (whether permanent or temporary) which may be entertained at the charge of Government, shall be prepared and kept up by the superintendents of police, for their respective divisions, according to such form as may be judged most convenient, exhibiting the description, strength, distribution and expense of all such guards or establishments, entertained within the provinces dependent on the Presidency of Fort William.

General register of police and jail establishments to be prepared by the superintendents of police.

Second.—The several zillah and city magistrates shall furnish the superintendents of police with such information as may be required to enable the superintendents, in concert with those officers, to enter upon a complete and accurate revision of the police and jail establishments of the several zillahs or cities, and to prepare and

Establishments to be revised by the superintendents of police.

submit to Government, on as reduced a scale as may be practicable without hazard to the public safety, a revised statement of police and jail establishments for each district comprised within their respective jurisdictions.

Annual comparative ſtatement of eſtabliſhments to be tranſmitted to Government by the ſuperintendents of police, together with a report.

III. With a view to the same objects, the superintendents of police will hereafter regularly submit to Government, with their annual police reports, or as soon after the transmission thereof as may be practicable, an abstract statement, exhibiting a comparative view of the strength and expense of all descriptions of police or jail establishments entertained, during the two preceding years, in the several districts situated within their respective jurisdictions, together with a separate address, explanatory, on the one hand, of any temporary or local increase in such establishments which circumstances may have rendered necessary, or suggesting, on the other, any further reductions in the strength of those establishments which the ameliorated state of the police, the progressive introduction of subsidiary police arrangements, or other circumstances may appear to admit.

Annual report on the ſtate of the ſubſidiary eſtabliſhments of police to be ſubmitted to Government.

IV. The superintendents of police will also submit to Government an annual report respecting the state of all subsidiary police establishments which may have been, or which may hereafter be entertained on the principles of the provisions of Regulation XIII. of 1813. The local magistrates are strictly enjoined to give the utmost attention to the due organization and proper maintenance of such establishments, in conformity with those provisions, and vigilantly to guard against any relaxation of controul, either in respect to the conduct of the individuals composing such establishments, or of those who may be entrusted with the realization and payment of the stipends of the chokeedars; and it shall be the special duty of the superintendents of police to bring under the notice of the local magistrates, and, if necessary, of Government, any material deviation from the existing provisions which may prevail, whether partially or otherwise, in respect to those establishments, as well as to offer any suggestions, which, from experience, may appear calculated to extend and to confirm the benefits contemplated by their institution.

Information to be ſupplied by the magiſtrates to the ſuperintendents of police.

V. In order to enable the superintendents of police to furnish the annual report to Government required by the preceding sections, the several zillah and city magistrates shall supply any information relating to the establishments in question which the superintendents may require, and shall likewise conform to any suggestions of those officers, in respect to the organization and management of the said establishments, which may be consistent with the tenor and spirit of the Regulations.

Rules modified and reſcinded.

VI. Such parts of the rules contained in Regulation VIII, 1809, as relate to the appointment or removal of cutwals, darogahs and other police or jail officers, are hereby rescinded, and the rules contained in Sections XI. and XII, Regulation XVI, 1810, are declared subject to the following modifications and provisions.

Magiſtrates empowered to appoint and remove their thannah police officers.

VII. *First.*—The magistrates of the zillahs and cities shall hereafter exercise the power of appointing cutwals and darogahs and other subordinate officers to the several police stations subject to their controul; of removing them from one station to another; of suspending and of dismissing them from office, in consequence of neglect, misconduct or incapacity; and it shall not be considered necessary to report the nomination, appointment, removal, suspension or dismission of such police officers to the courts of circuit, with a view of obtaining the sanction of those courts.

Alſo to appoint or to remove jailors.

Second.—The zillah or city magistrates are likewise empowered to appoint fit persons to the situation of jailors and other subordinate officers of their criminal jails; and to remove such officers for misconduct, incapacity, or other sufficient cause, without reference to other authority.

Proceedings to be holden.

Fit perſons to be ſelected.

Not to be removed without fault.

Third.—The zillah and city magistrates are hereby required to record, upon their proceedings, the grounds upon which any native officers may be removed by them under the provisions of this Regulation, and to select proper persons to fill all vacancies in the situations of such officers, and to continue in office the persons appointed, whether by themselves or by their predecessors, whilst they discharge the duties assigned to them with diligence and integrity.

Liſt of appointments to be ſubmitted to the courts of circuit at the period of the ſeſſions.

Fourth.—The zillah and city magistrates shall submit to the judge of circuit, for his information at the period of sessions, a list of all persons whom they may have appointed to the offices of cutwal, police darogah or jailor, since the period of the

preceding sessions, specifying their names, ages, past employments, characters and qualifications.

Petitions may be received by judge of circuit at the period of the seſſions, from officers deeming themſelves aggrieved by their removal.

Fifth.—In the event of any officer of the descriptions noticed in the preceding clause, deeming himself aggrieved by any order passed by a zillah or city magistrate with respect to his dismission from office, he shall be at liberty to present a petition, at the ensuing sessions, to the judge of circuit holding the jail delivery at the station, setting forth the circumstances of his case, and grounds of complaint; but the receipt of petitions of this nature shall be restricted to the period of the sessions immediately ensuing after the order of dismission shall have been passed, unless it shall be proved that the petitioner was prevented by circumstances totally beyond his controul from presenting his petition within the prescribed period.

Judges of circuit how to proceed on the receipt of petitions from darogahs.

Sixth.—On perusal of a petition of the description specified in the preceding clause, the judge of circuit, if he deem proper, may require the magistrate to submit the proceedings holden on the case for his inspection, accompanied by any explanation, in the English language, which the magistrate may be desirous to offer.

In what caſes the judges of circuit ſhall ſubmit the magiſtrate's proceedings to the court of Nizamut Adawlut.

Seventh.—After consideration of the papers furnished, should the judge of circuit be of opinion that the powers vested in the magistrate by the preceding clauses of this section, have been perverted, he shall submit the proceedings to the court of Nizamut Adawlut, as in other cases wherein the courts of circuit are required to report any misconduct on the part of the magistrates; and the court of Nizamut Adawlut shall proceed thereupon, in conformity with the provisions contained in Section XIV, Regulation II, 1801, and Section XXIV, Regulation VIII, 1803; and in cases in which they may deem it necessary, the court of Nizamut Adawlut shall direct the magistrate to restore to office any individual whom he may have removed without adequate or reasonable grounds.

In what caſes the ſuperior courts may direct the removal of police officers.

Eighth.—Nothing contained in the foregoing clauses of this section shall be construed to preclude the courts of circuit or the court of Nizamut Adawlut from ordering the removal of any of the police or jail officers, who may be convicted of a criminal offence declared punishable by dismisson from office, or, though not so expressly declared, if the conduct of such native officer appear, from any proceeding before a court of circuit or the court of Nizamut Adawlut, to be such as to require his removal from the public situation held by him.

Magiſtrates empowered to ſtation at out-poſts a portion, not exceeding one third, of their thannah eſtabliſhment.

VIII. *First.*—In modification of Sections VI. and VII, Regulation XIV, 1807, the magistrates are hereby authorized to exercise the power of stationing any portion of their police thannah establishments (not exceeding one-third of the entire establishment) at any chokee, village, ghaut, highway, or other place within the limits of the thannah to which such establishments may appertain; reporting always the particulars, as well as the grounds of the arrangement, for the information of the superintendent of police of the division.

Police officers at out poſts to act under the orders of darogahs.

Second.—Police officers stationed at out-posts, or subordinate chokees, shall act under the controul of the darogah or head police officer of the thannah to which they may be attached, and shall afford their aid for the prevention of crimes, the apprehension of criminals, and, generally, for the preservation of the peace, and shall report to the thannah all occurrences relating to matters of police which may come to their knowledge.

Powers of ſuch officers.

Third.—The officers of police stationed at out-posts shall be competent to exercise the same powers as are vested in the police darogahs in apprehending persons without a written charge or warrant, viz. persons found in the act of committing a breach of the peace; or against whom a general hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, or who may be liable to apprehension under the rules in force as proclaimed for notorious robbers; or vagrants, without any ostensible means of subsistence, who cannot give a satisfactory account of themselves; but no persons shall be arrested by the subordinate officers of police, except in cases of the nature above noticed, unless under the special warrant of the magistrate or of the darogah of the thannah to which the out-post may be attached.

Perſons apprehended to be forwarded to the thannah without delay.

Fourth.—Persons apprehended by the subordinate establishments of police shall be forwarded immediately to the thannah to which the out-post may belong, accompanied by an explanation of the circumstances of the case, and of the causes which may have led to the apprehension of the prisoners.

IX. *First.*—All

Deaths, reſignations, removals and appointments of cutwals or police darogahs, to be reported to the ſuperintendents of police.

IX. *First.*—All deaths, resignations, removals or appointments in the office of a cutwal or darogah of police, shall be communicated by the magistrates to the superintendents of police, in such form as the superintendents may deem convenient and proper; in order, not only that the registers of police establishments may be kept correct, but that any cutwal or police darogah, who may have been dismissed from his office on conviction, before the court of circuit or Nizamut Adawlut, of corruption or of any other criminal offence declared to be punishable by dismission from office, may be precluded from being again employed in any similar situation elsewhere.

Superintendents of police to inform the magiſtrates in caſes where offices are filled by perſons previouſly diſqualified.

Second.—If any case of this nature should come under the observation of the superintendents of police, it will be their duty to communicate the requisite information to the zillah or city magistrate, in order that the cutwal, darogah, or other police officer who may have been appointed under the circumstances described in the latter part of the preceding clause, may be immediately removed from his situation.

The removal of a police or other officer not to preclude his being again employed in any ſituation for which he may be conſidered duly qualified.
Exception.

Third.—It is hereby expressly declared, that the removal of a police officer, or of any officer on the jail establishment of a magistrate, shall not be considered to preclude the future employment of such person in any other situation in the public service for which he may be deemed duly qualified, except in the cases of conviction described in the first clause of this section.

Superintendents of police empowered to remove and appoint their own officers.

X. The superintendents of police are hereby declared competent to remove or appoint any ministerial native officer employed upon their respective establishments, whenever they may see sufficient cause; and all such appointments or removals shall be final.

Superintendents of police authorized to fine police officers.

XI. *First.*—The superintendents of police are further declared competent, in the same manner and to the same extent as the local magistrates, to impose fines on any cutwal, police darogah, or other subordinate officer of the police establishments stationed within the limits of their respective jurisdictions.

Alſo to ſuſpend them in certain caſes.

Second.—The superintendents of police are likewise declared competent to suspend from office any cutwal, darogah or other subordinate officer of the police establishments of their respective jurisdictions, during any inquiry which they may judge proper to institute in regard to the conduct of such officers, and also for neglect, or failure to furnish information, or to obey orders issued to them by the superintendents of police.

Superintendents orders how to be carried into effect.

Third.—Whenever the superintendents of police may deem it necessary, in the discharge of their duties, to fine or suspend any of the public officers above specified, they shall communicate an extract from their proceedings, with a copy of the order passed by them, to the local magistrate, who, in pursuance of Clause First, Section V, Regulation III, 1812, will proceed to realize the fine in the same manner as if it had been imposed by the magistrate himself, or to carry into effect the superintendents' order of suspension, and to supply the vacancy occasioned thereby.

Superintendents of police authorized to aſſume excluſive charge of any thannah or thannahs.

XII. *First.*—Should the superintendents of police, on visiting any district of their respective jurisdictions, deem it advisable to take under their immediate charge, for the purpose of exercising temporarily the powers of magistrate, any police thannah or thannahs of such district, they will make the necessary application for

Rule to be obſerved in ſuch caſes.

that purpose to the local magistrate, who will comply with all requisitions to that effect from the superintendents of police, without awaiting any specific orders from Government, under the provisions of Clause Third, Section II, Regulation XVI, 1810.

Powers to be exerciſed by the ſuperintendents of police on ſuch occaſions.

Magiſtrates, unleſs ſpecially authorized, prohibited from exerciſing concurrent juriſdiction in any thannahs of which the ſuperintendent of police may take charge, except in ſpecific caſes.

Second.—In such cases the superintendents of police will exercise the same powers as are vested in the magistrates with regard to the removal or suspension of any of the police officers attached to the thannahs of which the superintendents may take charge under the foregoing clause, and the zillah or city magistrates shall not be considered to be authorized, without the special sanction of Government, to exercise any concurrent jurisdiction in such thannah or thannahs, except in the cases provided for in Section XVI, Regulation XXII, 1793, Section XV, Regulation XVII, 1795, and Section XVI, Regulation XXXV, 1803.

XIII. All

XIII. All correspondence of the zillah and city magistrates relative to the strength, distribution or expense of their police or jail establishments (whether temporary or permanent), or respecting any alteration of police stations, or of their local boundaries, and generally, all correspondence of those officers with the Government, which may have reference to arrangements or matters of police, shall hereafter be conducted through the offices of the superintendents of police.

All correspondence on matters of police to be conducted through the officers of the superintendents of police.

XIV. *First.*—In lieu of the reports which the zillah and city magistrates are at present required to submit to the court of Nizamut Adawlut through the channel of the courts of circuit, relative to the escape of prisoners, it is hereby directed that all proceedings held by magistrates in regard to the escape of prisoners, as well as any proceedings respecting the conduct of the guards from whose custody the escape may have been effected, shall henceforward be submitted for the inspection and orders of the judge of circuit at the time of sessions.

Reports at present submitted to the courts of circuit and court of Nizamut Adawlut, in regard to the escape of prisoners, to obe discontinued.

But magistrate's proceedings to be submitted to the judge of circuit at the time of sessions.

Second.—The zillah and city magistrates shall communicate to the superintendents of police of their respective divisions all instances of convicts breaking jail, before the expiration of the period of their sentences, as well as every instance in which a prisoner in custody, during examination or commitment for trial, or under requisition of security for good behaviour, may effect his escape, transmitting, for the information of the superintendents of police, a copy or extract of the proceedings holden by them on such occasions, together with information of the measures taken to re-apprehend the persons who have escaped, stating, at the same time, whether, in their opinion, it may be advisable to offer any reward for the re-apprehension of such persons, and if so, the amount of such reward.

Reports to be sent to the superintendents of police.

And rewards recommended, if necessary.

Third.—If the superintendent of police should be of opinion that the re-apprehension of the offender or offenders may be effected without the offer of a reward, he will employ, in concert with the local magistrate, the means which he may consider best adapted to that purpose, but should he deem the offer of a reward expedient, he will in like manner adopt the necessary measures for giving publicity to the same, provided, that whenever the reward proposed to be offered for the re-apprehension of any individual, shall exceed the sum of one hundred sicca rupees, the sanction of Government shall be previously obtained; in cases, however, in which heinous offenders may have escaped, or on occasions of emergency, the magistates shall exercise a discretion in offering a reward not exceeding the sum of one hundred rupees, reporting the offer for the confirmation of the superintendent of police.

Superintendent of police how to proceed on receipt of such reports.

XV. When a zillah or city magistrate shall be of opinion that it is expedient to grant any reward to a police officer or other person, for particularly meritorious conduct, or for any services rendered to the police, he will state the circumstances, with his sentiments, to the superintendent of police, who on such occasions, will exercise the same powers, and proceed in the same manner, as is prescribed by the preceding section; but this rule shall not be construed to preclude the courts of circuit and court of Nizamut Adawlut from the exercise of the powers vested in them by Section XVIII, Regulation XVI, 1810, whenever, from any circumstances which may appear in the progress of a trial, they may consider it expedient to direct or to recommend the payment of any reward under that section.

Magistrates how to proceed in recommending rewards for meritorious services.

XVI. The general superintendence of all lands assigned as endowments for the maintenance of bridges, serays and kuttras, shall remain, as heretofore, vested in the Board of Revenue and Board of Commissioners; but such parts of Regulation XIX, 1810, as require that those boards should provide, with the sanction of Government, for the due repair and maintenance of public edifices of this description, are hereby rescinded.

The revenue authorities to retain the superintendence of lands assigned for the maintenance of bridges, serays, &c. Parts of Regulation XIX, 1810, rescinded.

XVII. *First.*—The superintendents of police shall exercise a general controul over the public roads, bridges, serays and kuttras, within the limits of their respective jurisdictions.

A general controul over public roads, &c. vested in the superintendents of police.

Second.—Whenever the local magistrates may be of opinion that any works of the description specified in the preceding clause, are necessary in the cities or zillahs subject to their authority, they shall communicate their sentiments on the subject to the superintendent of police in the lower or western provinces, as the case may be, instead of addressing themselves directly to Government.

Magistrates to communicate with the superintendents of police in cases when public works are considered necessary.

How the ſuperintendents are to proceed on the receipt of ſuch communications.

Third.—On receipt of communications of the description above mentioned, the superintendents of police shall consider, not merely the local advantages which may attend the proposed works, but likewise their tendency to facilitate the communication between the several districts, and their general utility, whether in the promotion of the commercial or common interests of the country at large.

Further rules for the guidance of the ſuperintendents on ſuch occaſions.

Fourth.—The superintendents of police shall likewise ascertain how far the labour of the convicts confined in the several districts within their respective jurisdictions, can be employed in the execution of the proposed works, without withdrawing them from other works of equal or greater utility.

Magiſtrates to furniſh the ſuperintendents with information regarding the ſtate of the public works, &c.

Fifth.—The several zillah and city magistrates shall furnish the superintendents of police with such information as may be required by those officers in regard to the employment of the convicts and the state of the public works.

Superintendents to apply to the Nizamut Adawlut, in caſes when convicts cannot be obtained from the ſudder ſtation.

What ſuch applications are to contain.

XVIII. Whenever it may be necessary, under the orders of Government, to collect any number of convicts together for the execution of public works, and such convicts cannot be supplied from the sudder station of the district in which their services may be required, the superintendents of police shall make application to the court of Nizamut Adawlut, stating the number of prisoners required; the work on which it is proposed that they should be employed; and the districts from which, in their opinion, they can be most conveniently supplied; and the court of Nizamut Adawlut shall determine on the expediency of the removal of the convicts, and issue such instructions on the subject to the local magistrates as they may deem proper.

Superintendents of police to report to Government in caſes in which the conſtruction of public works at the expenſe of Government appears adviſable.

XIX. *First.*—In cases in which the superintendents of police may be of opinion, whether on consideration of reports from the local magistrates, or from other sources of information, that any public work, of the description specified in Section XVII. should be undertaken at the expense of Government, they shall ascertain, from the local authorities, and, as far as practicable, from professional persons, the expense to which Government would be subject in the execution of the proposed works; and shall submit a full and comprehensive report on the subject to Government, containing the necessary information in regard to the utility of the work, together with an estimate of the probable expense attending its execution.

Rules to be obſerved by the ſuperintendents of police in ſubmitting repoits to Government.

Second.—In submitting reports of the above description, the superintendents of police shall be careful to ascertain whether any means can be devised for defraying the expense of the proposed works otherwise than from the general funds of Government, and they will refrain from recommending any expensive undertakings, except in cases which may promise to be attended with more than ordinary convenience and advantage.

XX. Nothing in the foregoing rules should be construed as superseding the controul exercised by the courts of circuit in regard to the employment of the convicts.

A. D. 1816. REGULATION XVIII.

A REGULATION for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a part of the territories of His Excellency the Nuwaub Vizier:—Passed by the Governor General in Council, on the 16th of August 1816; corresponding with the 2d Bhadoon 1223 Bengal era; the 8th Bhadoon 1223 Fussily; the 3d Bhadoon 1223 Willaity; the 8th Bhadoon 1873 Sumbut; and the 21st Ramzaun 1231 Higeree.

Preamble.

WHEREAS the pergunnah of Handya has been ceded to the Honorable the East India Company in full sovereignty by His Excellency the Nuwaub Vizier; and whereas it has been judged advisable to annex that pergunnah to the district of Allahabad, the following rules have been enacted, to be in force from the period of their promulgation.

II. The pergunnah of Handya shall be annexed to the district of Allahabad, and the Laws and Regulations established for the internal administration of that district, are hereby declared to be in full force and effect in pergunnah Handya, subject however to the provisions contained in the following sections.

The pergunnah of Handya annexed to Allahabad, and the existing laws and regulations extended to that pergunnah.

Subject to the following provisions.

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in pergunnah Handya, the cause of action in which may have originated previously to the 1st of May 1804, being a period of twelve years antecedent to the cession of that pergunnah.

Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 1st of May 1804.

IV. *First.*—The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the said pergunnah, previously to the 1st of May 1816, being the date of the treaty between the British Government and His Excellency the Vizier, under which the said pergunnah was ceded to the Honorable the East India Company.

Criminal courts prohibited from taking cognizance of offences committed previously to the 1st May 1816.

Second.—No part of the Regulations in force, by which the punishment of any offence is enhanced beyond the punishment prescribed for such offence by the Mahomedan law, shall be considered applicable to any crime or offence committed within pergunnah Handya between the 1st of May 1816 and the period of the promulgation of this Regulation.

Such of the Regulations in force as increase the punishments prescribed by the Mahomedan law, declared inapplicable to offences committed in Handya between the 1st May 1816 and the promulgation of this Regulation.

Third.—The provisions of the Regulations in force, by which the penalties prescribed by the Mahomedan law for the punishment of crimes and offences have been modified in a manner favourable to the prisoner, either by directing a commutation of the punishment of amputation to imprisonment, or otherwise, shall nevertheless be considered applicable to individuals who may be convicted of having committed offences in pergunnah Handya, between the 1st of May 1816 and the period of the promulgation of this Regulation.

But such of the Regulations as modify or commute in favour of the prisoner the punishments prescribed by the Mahomedan law, declared applicable to offences committed in Handya within the period above mentioned.

V. The Governor General in Council reserves to himself the power of fixing the periods, for which the settlement of the land revenue shall from time to time be formed in the said pergunnah, according as local circumstances may appear to require, adhering however as nearly as practicable to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

Power reserved to the Governor General in Council of fixing the periods for the formation of the settlement of the land revenue.

A. D. 1816. REGULATION XIX.

A REGULATION for the better management of Ferries, and for levying a Toll on the passage of persons and property over Rivers and Lakes:—Passed by the Governor General in Council, on the 23d of August 1816; corresponding with the 9th Bhadoon 1223 Bengal era; the 15th Bhadoon 1223 Fussily; the 10th Bhadoon 1223 Willaity; the 15th Bhadoon 1873 Sumbut; and the 28th Ramzaan 1231 Higeree.

WHEREAS it appears expedient, that the ferries should be placed under certain Regulations, for the better maintenance of the peace of the country, for the safety and convenience of travellers, for the secure transportation of property, and for the eventual improvement of the public resources, the Governor General in Council has been pleased to resolve that the management of the ferries shall be entrusted to the officers of Government, and that tolls shall be levied on the passage of persons and property at such ferries. The following rules have accordingly been enacted, to be in force throughout the provinces immediately depending on the Presidency of Fort William, from the commencement of the ensuing Fussily, Willaity, and Bengal years respectively.

Preamble.

II. The collectors of land revenue shall, under the controul of the Board of Revenue, Board of Commissioners, and Commissioner in Behar and Benares, regulate the assessment of the ferries, the rates of toll to be levied from passengers, the number of ferries in each district, and the number and size of the boats to be maintained at each ferry; and shall let the ferries in farm, either separately or collectively,

Collectors of the land revenue to regulate the assessment and management of the ferries, under the controul of the respective revenue authorities.

Ferries may be annually farmed, either ſeparately or collectively.

collectively, for any period not exceeding one year, or hold them under khas management, or exempt any of them from the payment of revenue to Government, as circumstances may render expedient.

Or held khas, or exempted from the payment of revenue.

Collectors how to proceed in caſes where ferries are to be let in farm.

What the advertiſements are to ſpecify.

III. In those cases in which it may be deemed advisable to let the ferries in farm instead of holding them khas, agreeably to the option reserved to the revenue authorities by the preceding section, advertisements shall be issued, specifying the rates of toll to be levied, and the number and description of boats to be maintained at each ferry, and inviting proposals for farming such ferries.

Diſcretion veſted in the revenue authorities with regard to ferries on each ſide of the ſame river, but in diſtricts of different collectors.

IV. In places where the ghauts on each side of a river may be situated in the districts of different collectors of the land revenue, the ferries and boats at such ghauts shall, at the discretion of the superintending board or commissioner, be placed under the controul of one or both collectors, as may appear proper.

Farmers of ferries to execute engagements.

V. All farmers shall be required to execute engagements stipulating to pay the rent of the ferries into the collector's treasury, by monthly or other periodical instalments.

The rules in force for the recovery of arrears of revenue declared applicable to the recovery of balances due from farmers of ferries and others.

VI. Sums of money due from the farmers of ferries, or from the agents of Government, where the ferries may be held under khas management, shall be realized under the rules prescribed for the recovery of arrears of land revenue, as far as the same may appear applicable.

The collectors to receive a commiſſion on the net amount of the revenue realized by Government.

VII. The collectors of land revenue shall be entitled to a commission on the net revenue realized by Government under the provisions of this Regulation, at such rate as the Governor General in Council may direct.

The revenue authorities empowered to reduce or increaſe the number of ferries or the number of boats at any ferry.

VIII. It shall be competent to the Board of Commissioners, to the Board of Revenue, and to the Commissioner in Behar and Benares, to reduce or enlarge, either of their own accord or at the suggestion of the magistrates, the number of ferries of every description, and to reduce or enlarge the number of boats at any ferry, whenever it may appear to them expedient, due reference being had to the rights of the farmers.

The revenue authorities to report to Government, caſes in which the profits of a reſumed ferry may have been included in the permanent aſſeſſment of an eſtate.

IX. In the event of its appearing that the profits derived from any resumed ferry may have been included in the permanent assessment of the estate to which it has heretofore been annexed, the board or commissioner under whose orders the inquiry may be conducted, shall report the circumstance, with an opinion on the merits of the claim, for the consideration and orders of the Governor General in Council; and the courts of judicature shall not take cognizance of any claims to deductions or compensations on account of the tolls levied at any ferry or ghaut.

The civil courts prohibited from taking cognizance of claims to deductions on account of tolls levied at ferries or ghauts.

Collectors to grant licenſes to farmers of ferries.

And to the managers of ferries where boats are uſed for hire, although ſuch ferries may not be publicly aſſeſſed.

X. *First.*—The collectors of the land revenue shall grant licenses according to the form No. 1. of the appendix, to all persons engaging to farm the ferries under the provisions of this Regulation, as well as to all other persons managing ferries where the boats employed may be used for hire, although such ferries may not be assessed for the public revenue; and shall cause such persons to execute engagements according to the form No. 2. of the appendix, to abide by and perform the conditions of their licenses.

Such managers to execute engagements to perform the conditions of their licenſes.

Collectors to iſſue perwanehs to native officers in charge of ferries under khas management.

Such officers declared liable to puniſhment on a breach of the preſcribed conditions.

Second.—Perwanehs containing conditions similar to those included in the form of license No. 1. shall be issued by the collectors to the native officers of Government, to whom the charge of the ferries may be confided, during the time that they may be under khas management; and such officers shall be declared liable, on breach of the conditions prescribed, to dismission from office, and to such further punishment under the Regulations, as the circumstances of the case may appear to require.

Licenſes to be iſſued in numerical order, and a regiſter of them kept in the collector's office.

XI. Licenses granted under this Regulation shall be issued in numerical order, and a register shall be kept in the office of the collector, according to the form No. 3. of the appendix.

XII. All

Licenſes to be delivered up at the expiration of the year.

XII. All licenses granted by the collector shall be delivered up at the expiration of the year; and persons neglecting to conform to this rule within one month after the close of the year, shall be summoned to the collector's office, in order that their licenses may be renewed.

Magiſtrates veſted with a controlling power over manjees of ferry boats.

And competent to puniſh manjees who may violate their engagements, by fine and impriſonment.

Limitation as to the period of impriſonment and amount of the fine to be levied.

Magiſtrates may alſo direct the removal of manjees or may withdraw their licenſes, informing the collector of the orders iſſued on ſuch occaſions.

XIII. For the better maintenance of the public peace and the safety and convenience of travellers, and the support of trade, the magistrates and their police officers shall exercise controul over the conduct of the manjees presiding at ghauts, and the manjees of boats at ferries; and the magistrates shall be competent to punish any manjee of a ghaut or ferry boat who may violate the conditions of his engagements as hereinafter prescribed, by imprisonment, according to the circumstances of the case, for any period not exceeding six months, and by fine for any sum not exceeding two hundred rupees, commutable in default of payment to a further period of imprisonment not exceeding six months; the magistrate shall further be competent to direct the removal from the office of boat or ghaut manjee of any person in those situations who may be guilty of a breach of their engagements, and if such manjee should also be the licensed manager of the ferry, the magistrate shall be competent to direct the forfeiture of the license, at the same time communicating the order for the information of the collector of the district.

Collectors to furniſh the magiſtrates with ſtatements of licenſed ferries, and to inform them of occaſional mutations or reſumptions of licenſes.

Extracts from ſuch ſtatements to be ſent from the magiſtrate's office to police darogahs within whoſe juriſdiction ferries may be ſituated.

How the darogahs are to proceed upon the receipt of ſuch extracts.

XIV. *First.*—On the commencement of each Bengal and Fussilly year, the collectors shall transmit to the magistrates a statement of the licensed ferries, drawn out according to the form No. 4. of the appendix, and shall likewise, when occasion may require, inform the magistrate of any intermediate mutations or resumptions of the licenses.

Second.—Extracts from the foregoing statement, containing the particulars relating to each ferry, shall be forwarded from the magistrate's office to the several police darogahs within the limits of whose jurisdiction the ferries may respectively be situated; and the darogahs on the receipt of such extracts shall summon before them the manjees of the ghauts and ferry boats, and shall take from them (as far as the same may be applicable to the description of manjee) engagements agreeably to the form No. 5. of the appendix, which en agements shall be transmitted to the magistrate's court.

Unauthorized perſons employing ferry boats for hire how to be dealt with.

XV. Any unauthorized person employing a boat for the purpose of ferrying passengers, cattle or other property for hire, shall be liable on conviction before a magistrate to a fine not exceeding rupees one hundred, or in default of payment, to confinement with labour for a period not exceeding three months, and the boat or boats used by such person shall be liable to be confiscated to Government.

Rules to be obſerved by darogahs for enſuring the proviſion of ſafe and convenient ferry boats within their reſpective juriſdictions.

XVI.—The darogahs of police shall pay due attention to the state of the ferry boats within their respective jurisdictions, and shall require the person whose duty it may be, to provide safe and convenient boats, to repair them when necessary, and to construct new boats when those in use may be found unfit for service.

Darogahs to report periodically to the magiſtrates on the ſtate of the ferry boats.

Unſerviceable boats to be withdrawn and others ſubſtituted.

And ferry or ghaut manjees declining to conform to the rules preſcribed, to be reported to the magiſtrates.

XVII.—At the close of each year, the darogahs of police shall furnish a specific report to the magistrate of the state of the boats employed at each ferry in their respective divisions, and such boats as may appear unfit for service shall be withdrawn, and other proper boats substituted; and whenever any manjee of a ferry or ghaut may decline to conform to requisitions made under the rules contained in this section, the darogah shall immediately report the circumstance for the orders of the magistrate, or for such communication to the collector as may appear proper.

Penalties in caſes where perſons may be drowned in croſſing a ferry by the overſetting or ſinking of an overloaded, inſufficiently manned or unſerviceable boat.

XVIII. If any person shall be drowned in crossing a ferry, by the oversetting or sinking of a boat, and it shall be established, on inquiry before a magistrate, that the boat was overloaded with passengers or property, or was insufficiently manned, or was out of repair at the time of the accident, the manjee of the ghaut or boat, if duly convicted of permitting his boat to be overloaded, or to be insufficiently manned or out of repair, shall be liable to such fine and such period of imprisonment, as the magistrate may think proper to impose, under the provisions of Section XIII. of this Regulation; and the license of the farmer or manager of the ferry shall be liable to be forfeited, unless he can prove to the satisfaction of the magistrate that the accident was not imputable to any want of proper care and attention on his part.

The forfeiture of a licenſe by the magiſtrate's order declared ſufficient to involve the annulment of the leaſe.

XIX. The forfeiture of a license by order of the magistrate under any of the foregoing provisions, shall involve the annulment of a farmer's lease for the particular ferry therein mentioned; and all orders passed by the magistrates in regard to the forfeiture of licenses, whether for ferries assessed by Government or otherwise, shall without delay be communicated for the information and guidance of the collector of the district.

All orders paſſed by the magiſtrates regarding the forfeiture of licenſes to be communicated to the collector.

Magiſtrates and collectors required to aſcertain the ſtate of the ferry boats within their reſpective diſtricts.

And to adopt meaſures for giving full effect to the intention of this Regulation.

XX. The magistrates and the collectors of the land revenue are required to ascertain from time to time, through their local officers or otherwise, the actual state of the ferry boats within their respective districts, especially those used for crossing broad and deep rivers or lakes, and to adopt such measures as may be necessary for carrying into full effect the intention of this Regulation, as it respects the safety and convenience of passengers, and the secure conveyance of property at the public ferries.

APPENDIX.

FORM No. 1.

License to Farmers and other Managers of Ferries and Ghauts.

"Whereas *A. B.* inhabitant of (*city, town or village*) has obtained a license for the establishment of a ferry boat (*or*, ferry boats) at
on the river it is required of *A. B.* as a condition of this license remaining in force, that he strictly conform to the following rules.

1st. That the boat (*or*, boats) used at the ferry shall be strong and kept in good repair, and that the number of boatmen and the burthen of each boat shall be equal to that specified in the subjoined statement.

2d. That he will cross free of toll the troops of Government, with their baggage, and all military stores, as well as all police and other officers of Government who may be actually employed on the public service.

3d. That he will attend implicitly to all orders which he may receive from the magistrate, in regard to crossing the troops, to plying the ferry during the night time, as well as in respect to other matters relating to the police.

4th. That he shall cause a board exhibiting the authorized rates of fare, as contained in the subjoined statement, to be constantly fixed up in a conspicuous place, close to the ghaut, and that he will not knowingly allow the manjees or boatmen to demand or receive more than such rates.

5th. That on breach of any of the foregoing conditions, or on proof of any other misconduct relating to the management of the ferry, the license shall be liable to be resumed.

STATEMENT.

FORM, No. 4. - - - - - - - - - - -

STATEMENT of Licensed Ferries, established

Name of the Ferry or Ghaut, and situated near to what City, Town or Village.	On what River.	Within the Jurisdiction of what Thannah.	Road from whence and leading to what Place.	Name of the licensed Manager or managing Agent on the part of Government, and if farmed, the period of the Lease.	Established Ferry-rates for crossing Men, Cattle, Carriages, &c. &c. &c.
					Rs. As. Ps.
Kudul Kuttee near to Rampore Bauleah.	Ganges	Bauleah	From Nattore to Moorshedabad.	Rajkishore Farmer, lease for one year.	A man - - 0 1 6 Ditto, with burthen - 0 3 0 Ditto, with bangy - - 0 6 0 Horse and horseman 0 6 0 Camel - - 0 10 0 Cart - - - 0 10 0 Elephant - 6 0 0

STATEMENT.

Description and Burthen of each Boat.	Number of Manjees and Dandies to be employed in each Boat.	Number of Passengers which each Boat is capable of conveying at one time.	Established Ferry-rates for crossing Men, Cattle, burthen, &c.

FORM No. 2.

" Whereas I, *A. B.* have received from the Collector of a license to maintain a ferry boat (*or*, boats) at the ghaut of on the river within the jurisdiction of the thannah of until the I do hereby engage to abide by and perform the several conditions specified in the said license (*reciting them*) : in failure whereof the said license shall be held forfeited.

FORM No. 3.

Register of Licenses granted to Farmers and others, for the management of Ferries in the district of for the year

Number of the License.	Date of the License.	To whom granted.	Name of the Ferry or Ghaut.	In what Thannah situated.	Forfeitures, Mutations, and Casualties within the year; and Date of the Return of the expired Licenses.

- - - - - - - - - - - - FORM, No. 4.

in the District of

Description and Burthen, and number of Boats employed.	Number of Passengers which the Boat is capable of crossing at all seasons.	Name of the Manjees & number of Dandies.	Annual Jumma assessed ; or if Khas, computed average of annual receipts.	Navigable all the year or how many months.	Name of the Landholder in whose Estate the Ferry is situated.
3 Boats of 500 Muns each.	80 Men in each Boat.	Shaikh Molah, Ali Buksh and Jan Mahomed, with 3 Dandies each.	2600 Rs. per Annum.	All the year.	Deanut Khan.

FORM No. 5.

Penal Engagements to be taken from Manjees.

Whereas I, *A. B.* have been appointed to the office of (ghaut *or* ferry) manjie of on the river within the jurisdiction of the thannah of I do hereby engage to abide by and perform the several conditions hereinafter mentioned.

1st.—I will regularly employ, for the purpose of plying the ferry, the number of boatmen specified in the subjoined statement.

2d.—I will not collect more than the established rates of fare, as recited in the subjoined statement, from any person crossing at the ferry.

3d.—I will not collect any toll after the passengers enter the boat.

4th.—I will regulate the number of passengers crossing at the ferry at the same time, strictly by the size of my boat, and according to the subjoined statement.

5th.—I will give immediate intimation to the nearest police officer, on the occasion of any assemblage of persons of suspicious appearance, passing the ferry.

6th.—I will implicitly abide by all orders which I may receive from the magistrate, in regard to crossing the troops of Government, and with respect to plying the ferry during the night time, as well as in relation to other matters connected with the police.

7th.—In default of any of the foregoing conditions, I shall be liable to such punishment by fine and imprisonment as the magistrate, under the Regulations, may judge proper to impose upon me.

STATEMENT.

Description and Burthen of each Boat.	Number of Dandies to be employed in each Boat.	Number of Passengers which each Boat is capable of conveying at one time.	Established Ferry-rates for crossing Men, Cattle, Burthen, &c.

A. D. 1816. REGULATION XX.

A REGULATION for modifying certain parts of Regulation III, 1811:—Passed by the Governor General in Council, on the 25th of October 1816; corresponding with the 10th Kautick 1223 Bengal era; the 19th Kautick 1223 Fussily; the 11th Kautick 1223 Willaity; the 5th Kautick 1873 Sumbut; and the 2d Zeelhij 1231 Higeree.

Preamble.

WHEREAS a convention of commerce has been concluded between Great Britain and the United States of America, containing certain special provisions for the conduct of the trade of American subjects with the British territories in India; the following rules have been framed into a Regulation, to be in force in the territories immediately dependent on the Presidency of Fort William, from the period of their promulgation.

II. It is hereby declared and enacted, that such parts of Section III, Regulation III, 1811, as refer to ships belonging to the United States of America, shall cease during the continuance of the said convention, and the several provisions of the third article thereof, which is herein inserted, shall, during the said period, be observed within the territories immediately dependent on the Presidency of Fort William.

The operation of parts of Section III, Regulation III, 1811, modified.

Article III. of a convention of commerce between Great Britain and the United States of America, signed at London, 3d July, 1815.

Article III. of a convention of commerce.

" His Britannick Majesty agrees that the vessels of the United States of America " shall be admitted and hospitably received at the principal settlements of the " British dominions in the East Indies, viz. Calcutta, Madras, Bombay, and Prince " of Wales' Island, and that the citizens of the said United States may freely carry " on trade between the said principal settlements and the said United States, in all " articles of which the importation and exportation, respectively, to and from the " said territories, shall not be entirely prohibited: provided only, that it shall not " be lawful for them, in any time of war between the British Government and any " state or power whatever, to export from the said territories, without the special " permission of the British Government, any military stores, or naval stores, or rice, " The citizens of the United States shall pay for their vessels, when admitted, no " higher or other duty or charge than shall be payable on the vessels of the most " favoured European nations, and they shall pay no higher or other duties or " charges on the importation or exportation of the cargoes of the said vessels, than " shall be payable on the same articles when imported or exported in the vessels of " the most favoured European nations.

" But it is expressly agreed, that the vessels of the United States shall not " carry any articles from the said principal settlements to any port or place, except " to some port or place in the United States of America, where the same shall be " unladen.

" It is also understood, that the permission granted by this article is not to ex- " tend to allow the vessels of the United States to carry on any part of the coasting " trade of the said British territories; but the vessels of the United States having, in " the first instance, proceeded to one of the said principal settlements of the British " dominions in the East Indies, and then going with their original cargoes, or any " part thereof, from one of the said principal settlements to another, shall not be " considered as carrying on the coasting trade. The vessels of the United States " may also touch for refreshments, but not for commerce, in the course of their " voyage to or from the British territories in India, or to or from the dominions of the " Emperor of China, at the Cape of Good Hope, the Island of St. Helena, or such " other places as may be in the possession of Great Britain, in the African or Indian " Seas; it being well understood that in all that regards this article, the citizens of " the United States shall be subject, in all respects, to the laws and regulations of " the British Government, from time to time established."

III. In explanation of the above article, the Governor General in Council deems it proper to give notice, for general information, that the ratifications of the said Treaty were exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication with the island of St. Helena, as long as the said island shall continue to be the place of residence of Napoleon Buonaparte.

Explanation regarding the vessels of the United States of America being prohibited from touching at, or holding any communication with the island of St. Helena.

A. D. 1816. REGULATION XXI.

A REGULATION for modifying Section XLIII, Regulation XLV, 1803, which prescribes a specified weight for the copper Pice to be coined at the Mint of Furruckabad:—Passed by the Governor General in Council, on the 8th November 1816; corresponding with the 24th Cartic 1223 Bengal era; the 3d Aughun 1224 Fussily; the 25th Cartic 1224 Willaity; the 3d Aughun 1873 Sumbut; and the 17th Zelhij 1231 Higeree.

WHEREAS it has been deemed advisable to reduce the weight of the copper coinage intended to be introduced into the ceded provinces by Section XLIII. to Section LI, Regulation XLV, 1803, extended to the conquered provinces by Regu-

lation XI, 1805, the following rules have been enacted, to be in force from their promulgation.

Section XLIII, Regulation XLV, 1803, rescinded.

II. Section XLIII, Regulation XLV, 1803, is hereby rescinded.

Weight of the copper coin to be struck at the mint at Furruckabad.

III. A copper coin shall be struck at the mint of Furruckabad, weighing two hundred grains troy for the whole or double pice, and one hundred grains troy for the half or single pice.

Rate at which such coin is to be issued.

IV. Such copper coin shall be issued from the mint at the rate of thirty-two whole or double pice, and of sixty-four half or single pice for each rupee.

A. D. 1816. REGULATION XXII.

A REGULATION for re-enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of Chokeedars of Police:—Passed by the Governor General in Council, on the 27th December 1816; corresponding with the 14th Poose 1223 Bengal era; the 23d Poose 1224 Fusly; the 15th Poose 1224 Willaity; the 8th Poose 1873 Sumbut; and the 7th Suffer 1232 Higeree.

Preamble.

WHEREAS it has been found expedient to rescind or amend certain parts of Regulation XIII, 1813, for the appointment and maintenance of chokeedars of police in the cities of Dacca, Patna and Moorshedabad, extended by Regulations III. and XVI, 1814, to the stations at which the zillah magistrates ordinarily reside, (the city of Benares excepted,) throughout the provinces dependent on the Presidency of Fort William; and whereas it is convenient that the rules now in force for the appointment and maintenance of police chokeedars, at the cities and stations aforesaid, with such modifications or further provisions as are necessary, be consolidated and re-enacted in one Regulation, and be extended to the several towns at which joint magistrates are or may be stationed within the divisions of Calcutta, Dacca, Moorshedabad and Patna: the following rules have been passed, to be in force from the 1st April 1817, A. D. in the cities of Dacca, Patna and Moorshedabad, and at the several stations at which the magistrates ordinarily reside throughout the provinces immediately dependent on the Presidency of Fort William, as well as at the several towns at which joint magistrates are stationed in the divisions of Calcutta, Dacca, Moorshedabad and Patna.

Regulations rescinded by this Regulation.

II. Regulations XIII, 1813, and III. and XVI, 1814, are hereby rescinded from the 1st April, 1817, A. D.

Police chokeedars entertained at the cities and stations herein specified, by whom to be appointed and maintained.

III. All chokeedars who may have been appointed under the provisions of the above Regulations, or whom it may hereafter be judged necessary to appoint in aid of the police in the cities of Dacca, Patna or Moorshedabad, or at the stations at which the zillah magistrates ordinarily reside within the provinces immediately dependent on the Presidency of Fort William, or at the several towns at which joint magistrates are stationed within the divisions of Calcutta, Dacca, Moorshedabad and Patna, shall be nominated, appointed and maintained by the respective communities for whose benefit and protection such subsidiary police establishments may be required; and which communities are accordingly hereby declared chargeable with the expense of maintaining such chokeedars, subject to the limitations and provisions following.

Chokeedars to receive a monthly allowance in money.

IV. All chokeedars of police who may have been appointed under the provisions of the Regulations noticed, or who may hereafter be appointed under the provisions of this Regulation, shall be paid in money only, and shall receive an allowance for their support, the amount of which shall be determined at the discretion of the magistrate, with reference to the usual wages of labour, not however exceeding three, or being less than two rupees per mensem.

The number of chokeedars to be appointed and maintained, how regulated.

V. The number of chokeedars to be appointed and maintained in the several cities or stations aforesaid, shall likewise be determined at the discretion of the magistrate, or joint magistrate, with reference to the known or apparent condition of the inhabitants, not however exceeding in any instance the average number of two chokeedars to every fifty shops or occupied habitations.

VI. The

Limitation of the amount to be collected monthly, for the payment of the chokeedars.

VI. The aggregate sum to be collected monthly from the inhabitants of the several cities or stations aforesaid, to provide for the payment of their respective chokeedars, shall not exceed the average rate of two annas per mensem from the proprietor, or (in the absence of the proprietor) from the principal occupier of each shop or habitation.

Discretionary power vested in the magistrates.

VII. The magistrates of the cities and zillah stations aforesaid, will continue to exercise a discretion in exempting the inhabitants of any mohullah from the maintenance of chokeedars, in which, either from their poverty or from the scanty population of the mohullah, it may not appear necessary to entertain such establishments.

The provisions of this Regulation when and in what manner to be carried into effect.

VIII. On the 1st April 1817, the several magistrates of the cities and zillahs, and joint magistrates of the stations described in Section III, will proceed to carry into effect the provisions of this Regulation in the manner directed following.

Magistrates to appoint a punchaite for the purposes herein specified.

IX. The several magistrates and joint magistrates aforesaid will nominate and appoint five respectable inhabitants (being substantial householders) of each mohullah of the city, or other convenient division of the town, who shall constitute a punchaite, for the purpose of regulating and of annually revising and amending the rates of assessment to be levied from the inhabitants for the maintenance of their respective chokeedars, as well as for nominating and appointing such chokeedars, subject to the approval of the magistrate or joint magistrate; but it is hereby declared, that the persons composing the punchaite shall not be required to realize such assessments, or to perform any duties which may not be expressly specified in this Regulation.

Punchaite to receive a sunnud of appointment.

X. The punchaite so constituted, shall receive a sunnud of appointment, under the official seal and signature of the magistrate or joint magistrate, with a specification of the duties to be performed by them, according to the form and tenor prescribed in the Appendix (A) to this Regulation.

Magistrates to revise, amend, and finally determine the rates of assessment.

XI. On receipt of the list of persons assessed, which may be furnished by the punchaite as required by the sunnud, the magistrate or joint magistrate will revise, amend, and finally adjust the rates of assessment under the limitations prescribed, in such manner as may appear just and proper, on consideration of any complaints of inequality of assessment, or representations of inability to pay the amount assessed, which may be preferred under the section following;—provided always that the total amount assessed shall suffice to maintain the number of chokeedars the magistrate or joint magistrate may deem requisite for the protection of the inhabitants, under the limitation specified in Section IV. of this Regulation.

Persons deeming themselves disproportionably assessed, or aggrieved, how to proceed.

XII. *First.*—Any individual who may consider himself aggrieved by the assessment which may be fixed by the punchaite, or who shall be altogether unable to pay the lowest rate of monthly contribution, shall be at liberty to appeal to the magistrate or joint magistrate, by a petition to be presented on stampt paper, setting forth the grounds of dissatisfaction or alledged grievance; and on the party making oath to the truth of the circumstances therein stated, the magistrate or joint magistrate, after such inquiry as he may deem necessary, will either amend the rate of assessment or grant such other relief as may appear just and proper, and his decision on all such petitions shall be final.

In what cases magistrates may receive petitions on unstampt paper.

Second.—The magistrates and joint magistrates are empowered to receive on unstampt paper, petitions, which may be preferred to them under the preceding clause, by persons who may make oath to their inability to pay the stamp duty; notwithstanding any thing contained in Section XIX, Regulation XXVIII, 1814.

Publication to be made of the rates of assessment and names of persons assessed.

XIII. When the rates of assessment shall have been finally adjusted, in the manner directed in the preceding sections, a fair copy thereof, with a notification prefixed according to the form and tenor prescribed in the Appendix (B), and written in the language and character most commonly understood, shall be affixed for general information in some conspicuous and frequented place in the mohullah, or division of the town to which the assessments may apply; a second copy shall be affixed in the same manner at the police thannah, and a third shall be deposited in the office of the magistrate or joint magistrate.

Revised and amended rates of assessment to be annually published.

XIV. *First.*—A revised and corrected list of names, with amended rates of assessment, regulated on principle prescribed in the sunnud of the punchaite (Appendix

(Appendix A), with a notification prefixed according to the form prescribed in the Appendix (B), shall be annually prepared, and published for general information in the manner above directed.

Magiſtrate and joint magiſtrate empowered in certain caſes to cauſe the rates to be altered and amended during the year.

Second.—The magistrates and joint magistrates alluded to in Section III. of this Regulation, are hereby declared competent to cause the assessments to be revised and amended by the punchaite, at any period during the year, whenever that measure may be necessary, in order to supply any deficiency that may eventually arise in the amount of the funds for the payment of the stipends of the chokeedars; but on all such occasions they will address a written order to the punchaite, attested by their official seal and signature, specifying the amount of the deficiency required to be supplied by an amended assessment, and requiring a return to be made of such amended rates, according to the form subjoined to the sunnud in the Appendix (A), within a stated and reasonable period.

A bukſhee to be appointed for the realization of the aſſeſſments and other duties herein ſpecified.

XV. For the purpose of realizing the amount of the assessments, for keeping with regularity and accurary the records appertaining to the subsidiary police establishments, and for the payment of the monthly wages of the police chokeedars entertained under this Regulation, an intelligent and respectable native duly qualified, shall be selected and appointed by the magistrate or joint magistrate, who shall be denominated the sudder chokeedaree bukshee, and who shall receive such fixed monthly salary and allowance for the provision of stationary and materials for keeping the prescribed records, as may be determined by the Governor General in Council. In making this selection, it shall be the duty of the magistrate or joint magistrate to consult as far as practicable the wishes of the most respectable inhabitants of the town.

Bukſhee to be ſworn to the faithful diſcharge of his duties, and any interference of police darogahs or others prohibited.

XVI. *First.*—The bukshees who may be appointed under the preceding section, shall be exclusively employed in the duties prescribed by this Regulation, to the faithful discharge of which they shall be sworn; and the magistrates and joint magistrates are strictly enjoined not to allow any police darogah, or other public officer subject to their authority, or any other individual whatsoever, to interfere in any manner with the bukshee, in the discharge of the duties specified following.

Specification of the duties of the bukſhee.

Second.—The bukshee shall prepare from the lists specified in Section X, a general register, in a book, to be signed and paged by the magistrate or by his assistant, or by the joint magistrate, containing the names of all persons assessed, the amount payable monthly by each person, and the names and number of chokeedars entertained in each mohullah, according to the form (C) in the Appendix.

Third.—On the 1st of each Bengal or Fussily month, the bukshee shall proceed to collect in person, if practicable, or otherwise with the aid of the chokeedars, the quotas payable by each assessed individual within the limits of the city or town, being the station of the magistrate or joint magistrate.

Fourth.—For all sums so paid, the bukshee shall sign any receipt or acknowledgment, which may be correctly prepared and presented to him for that purpose, at the time of payment, by individuals assessed, who may be able to write; or should the person assessed be unable to write, the bukshee shall grant a receipt.

Fifth.—On the tenth of each Bengal or Fussily month, the bukshee will deliver to the magistrate or joint magistrate, in one list, a statement shewing the names of any defaulters, the mohullah in which they may reside, and the amount due from each, according to the form (D) in the Appendix, and upon receipt of which, the magistrate or joint magistrate will proceed as hereafter directed.

Sixth.—The whole of the chokeedaree stipends which may be realized by the bukshee, shall be immediately deposited by him in the treasury of the magistrate, and for which the receipt of the treasurer shall be taken by the bukshee.

Seventh.—On the last day of each Bengal or Fussily month, the bukshee and police darogah jointly shall cause the attendance of the police chokeedars at the cutcherry of the magistrate or joint magistrate, where they shall be paid their monthly wages, in presence either of the magistrate or of his assistant, or of the joint magistrate; the receipt of each chokeedar being taken for the same in such form as may be convenient.

Eighth.—The bukshee will likewise prepare any summons or process to be issued against defaulters, he shall keep a regular and correct account of all sales, which may be

be made by him, under the authority of the magistrate or joint magistrate, for the realization of arrears, according to such form as shall be prescribed by the magistrate or joint magistrate, and he shall perform any other duties which the magistrate or joint magistrate may direct, connected with the general management of this branch of the police establishments.

The magiſtrate how to proceed, to realize arrears due from defaulters.

XVII. On receipt of the lists of defaulters specified in clause 4th of the preceding section, the magistrate or joint magistrate will issue a summons against such defaulters, to be written on the reverse side of the said list, requiring the immediate appearance of the persons therein named at his cutcherry, and will, either himself or by means of his assistant, examine into the merits of the case, and should the party alledge that payment has been made, the magistrate or his assistant, or the joint magistrate shall require the production of the voucher specified in Clause 3rd, Section XV, or will make such further inquiry as he may deem proper; and in the event of it appearing, from such investigation, that any arrear is due, the magistrate or joint magistrate will issue a written order to the bukshee to levy the same by process of distress and sale of such part of the personal property of the defaulter as may suffice to make good the amount; and all orders so passed by a magistrate or joint magistrate shall be final.

Police darogah to aid the bukſhee, if requiſite, in diſtreſs and ſale.

XVIII. It shall be the duty of the police darogah to render the bukshee any aid he may require in the execution of the above duty; but all sales which may become necessary under the preceding section shall be made in the most public manner practicable, and shall be previously notified by beat of drum in the mohullah; and any overplus which may arise after payment of the arrear due, shall be restored to the party, or should the arrear be discharged at any time previously to such sale, the distress shall be immediately withdrawn and the property restored to the owner.

Complaints preferred againſt a bukſhee how diſpoſed of, and penalties to which the bukſhee will be liable on proof of the offences herein noticed.

XIX. Any complaints which may be preferred on oath against a bukshee, appointed under this Regulation, for undue exaction, malversation or other misconduct in the discharge of the duties prescribed by this Regulation, shall be cognizable by the magistrate or joint magistrate only; and on proof of any such offence, to the satisfaction of the magistrate or joint magistrate, the bukshee shall be liable to dismissal from his office, and to imprisonment in the criminal jail for a period not exceeding six months; and shall likewise be required to refund to the party aggrieved any money corruptly or unduly exacted or received, or to restore any effects, or the value thereof, which may have been illegally sold or distrained, or in default thereof, he shall be further imprisoned until the amount be paid, provided that the total period of imprisonment shall not, in any case, exceed one year; or should the act with which a bukshee may be charged, be of a nature to render it proper that he be committed to take his trial before the court of circuit, the magistrate or joint magistrate will of course proceed against him in conformity with the provisions of the general Regulations.

Perſons preferring unfounded or vexatious charges, how puniſhable.

XX. Whenever any charge which may be preferred against a bukshee, for any unauthorized act alledged to have been done by him in the discharge of his duties, shall, upon investigation, prove manifestly unfounded, exaggerated or vexatious, the party preferring the same shall be sentenced to punishment by fine or imprisonment, not exceeding the limitations specified in Section X, Regulation IX, 1793, and Section V, Regulation VII, 1811.

Proviſion againſt any member or members of punchaite, refuſing the office.

XXI. In the event of any individual, who may be appointed by a magistrate or joint magistrate, a member of punchaite, declining without reasonable or sufficient grounds, to undertake the office, as prescribed by this Regulation, he shall either find a substitute, to be approved by the magistrate or joint magistrate, or shall be subject to the payment of a penalty not exceeding fifty rupees, to be regulated at the discretion of the magistrate or joint magistrate with reference to the circumstances of the individuals, and which shall be levied by the usual process of distress and sale of property. Or in the event of the persons who may be nominated and appointed by the magistrate or joint magistrate to constitute the punchaite, in any instance failing or objecting to perform the duties required of them, the magistrate or joint magistrate will proceed to regulate the assessments, and to appoint the requisite number of chokeedars, by means of the bukshee and the darogah of police; but this discretion shall not be exercised, except in cases of indispensable necessity, to provide for the objects in view; and any such interposition of the authority of the magistrate or joint magistrate shall be withdrawn, whenever the inhabitants of the

mohullah, or other division of a town, shall petition to be allowed to form the assessments and to appoint chokeedars in the manner otherwise provided for by this Regulation.

Specification of the duties of chokeedars appointed under this Regulation.

XXII. It shall be the duty of the chokeedars who may be appointed under this Regulation, constantly to watch over and protect the safety of the persons and the property of the inhabitants of their respective mohullahs, or divisions to which they may belong; to apprehend and immediately to convey to the cotwal or darogah of police to whose authority they may be subject, any person or persons who may be taken in the act of committing murder, robbery, house-breaking or theft, or in the actual commission of any breach of the peace, or against whom a hue and cry shall have been raised. It shall also be their special duty to convey to the cotwal or darogah immediate intelligence of the resort of any receivers of stolen goods, or of any robbers or other persons of notorious or suspected bad livelihood, within the limits of their respective divisions; but they shall not interfere in cases of petty assault, abuse, adultery, or abortion; nor shall any person be arrested by a police chokeedar, except in cases herein specified, unless under the special warrant of the magistrate, or of the cotwal or darogah of police to whose authority they may be subject.

Chokeedars not removable without the sanction of the magistrate, and how punishable for neglect or misconduct, or other offence.

XXIII. Chokeedars who may be appointed under this Regulation, shall not be removed without the sanction of the magistrate or joint magistrate; and any chokeedar who may be proved guilty of neglect or misconduct in the discharge of his duties, or who may be convicted of connivance at the commission of any robbery or other heinous offence, shall be dismissed by the magistrate or joint magistrate from his situation, and shall be further punishable as the law directs.

Annual statements to be furnished by the magistrates.

XXIV. The several zillah and city magistrates, and the joint magistrates adverted to in Section III. of this Regulation, will cause to be annually prepared by the bukshee, a complete statement, according to the form in the Appendix (C), of all subsidiary police establishments, which may be entertained on the principle of the provisions of this Regulation, within the limits of their respective jurisdictions; and will transmit the same in the month of January in each year, through the office of the superintendent of police, for the consideration of the Governor General in Council.

APPENDIX.

FORM of SUNNUD (A).

Whereas you (*names of persons*) inhabitants of (*name of mohullah of city or town*) are hereby constituted and appointed a punchaite, to regulate and fix the rates of assessment to be levied monthly from the several householders of the said (mohullah *or* town), for the payment of the chokeedars entertained for their protection, and to nominate and appoint such chokeedars, under the provisions following:

Article 1st.—You are to regulate and determine the rates of assessment to be levied from the proprietor or principal occupier of each shop or habitation within the limits of the aforesaid (mohullah *or* town) for the payment of the wages of the chokeedars. You are to regulate the amount payable by each individual as equitably as may be practicable, with reference to the known or apparent condition and circumstances, and the value of property to be protected of each person assessed—Provided that no individual (whatever be his means or condition in life) be subjected to a higher rate of assessment than one rupee, nor to a lower rate than one anna per mensem —And provided likewise, that the aggregate amount assessed shall not exceed the average of two annas per mensem upon each shop or occupied habitation, or the total sum of six rupees and four annas for every fifty shops or occupied habitations.

Article 2d.—In the event of any proprietor or principal occupier of any shop or habitation in the said mohullah, being in circumstances so indigent as to be manifestly unable to pay the monthly contribution of one anna, such person shall altogether be exempt from assessment.

Article 3d.—The total amount assessed by you, in the entire mohullah, shall be sufficient to provide for the maintenance of (*number*) chokeedars at the monthly wages of (*amount.*)

Article 4th.—When you shall have regulated the assessment on the principles above specified, you are to deliver to the magistrate a list, at the foot of which you shall affix your signature, specifying the names, occupation, and amount of assessment payable by each shopkeeper or householder assessed, according to the subjoined form.

Article 5th.—You are hereafter to nominate and appoint the police chokeedars, who may be entertained under this Regulation for the protection of the inhabitants of the aforesaid mohullah—You are to report to the magistrate the names and number of such chokeedars who are at present appointed under Regulation XIII, 1813; and you are also to report to the magistrate or police darogah of the mohullah, any neglect or misconduct of such chokeedars in the discharge of their duties, or any vacancies that may arise from their absence or other cause.

Article 6th.—You are annually, or at any period during the year, when you may be required by the magistrate, to revise and amend the rates of assessment, on the principles above stated.

FORM of RETURN to be made by the PUNCHAITE.

NAME OF MOHULLAH.

Names of Persons assessed.	Cast or Profession.	Amount of monthly Quota.
Gocul Doss - -	Merchant - -	8 Annas.
Name - - -	Bunneea - - -	4 Ditto.
Ditto - - -	Sonar - - -	2 Ditto.
Ditto - - -	Tailee - - -	1 Ditto.

FORM of NOTIFICATION (B).

Whereas (*names of chokeedars to be here specified*) have been appointed chokeedars for the protection of the persons and property of the inhabitants of (*name of mohullah of the city or town*); and whereas the under-noticed rates of assessment have been determined by a punchaite of the said inhabitants, for the payment of the monthly wages of the aforesaid chokeedars; the several persons whose names are subjoined, are hereby required to pay the monthly contributions specified, with regularity, to the bukshee who shall be appointed by the magistrate to receive the same, the first payment commencing from the date of this notification, and on or before the 5th day of each succeeding (Bengal *or* Fussily) month; or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter.

Names.	Cast or Profession.	Amount monthly Assessment.

FORM of REGISTER C.

Name of Mohullah.	Names of Punchaite.	Names of Persons assessed.	Cast or Profession.	Monthly Rates of Assessment.	Total amount of Assessment, in each Mohullah.	Names of Chokeedars.	Amount of their Monthly Wages.	Overplus remaining for Contingencies.	Remarks; and if no Punchaite, appointed, to be noticed here.

FORM of STATEMENT D.

Name of Mohullah.	Names of Defaulters.	Cast or Profession.	Amount assessed.	Amount Defalcation on the 5th.	Amount voluntarily paid previously to Sale.	Remarks, shewing when, and in what manner Arrear realized; and *if* by Distress and Sale, the Date and Particulars thereof.

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*, in the Year 1816.—No. I. to XV.

A. D. 1816. REGULATION I.

A REGULATION for declaring the contributions hitherto paid in the province of Tanjore on account of the cavilly police, appropriable to the support of the new police established, or to be established, in that province; for regulating the collection and assessment of those contributions, and for extending and modifying the house tax hitherto collected for police purposes in the province aforesaid:—Passed by the Right honourable the Governor in Council, on the 12th January 1816; corresponding with the 1st Tye of the year Yuvah, 1736th year of Saleewaguna, and with the 11th Suffer 1231 Hijeree.

Preamble.

WHEREAS it has been deemed expedient to abolish the cavilly system in the province of Tanjore, and to establish a more efficient system of police for that province; and whereas it has become necessary, in consequence, that the funds hitherto allotted for the support of the cavilly system should be declared appropriable, under the orders of the Governor in Council, to the maintenance of the new establishments of police; and whereas those funds, derived from certain proportions of the annual gross produce of cultivated lands, whether malgoozaree or lakheraj, from certain allotments of lands rent free or favourably assessed, from a tax on houses, from the contributions termed porapoo and magama, and other taxes of various descriptions, have never been regulated by public authority, but have been partially collected, and their collection has been attended with much inconvenience, irregularity and trouble; and whereas it is expedient that the tax on houses should preserve a due proportion to the fluctuating value of such property, and that provision should be made for collecting such sums as may be due in arrear to the police fund according to the rules which have been heretofore adopted by the collectors of the land revenue under the sanction of the Board of Revenue; therefore, with a view to provide for the equalization and due collection of the said funds, and to render them appropriable to the support of the new police establishments in Tanjore, the Governor in Council has been pleased to enact the following Regulation, to take effect from the date of its being promulgated.

All contributions on account of police declared to be resumed and appropriable to the support of the new police.

II. The contributions and allowances of every description, whether in money, grain or land, which have hitherto been allotted for the support of the cavilly system of police in the province of Tanjore, are hereby declared to be resumed, and to be appropriable, under such orders as the Governor in Council may be pleased to issue, to the maintenance of the new establishment of police in that province.

The collections from malgoozaree lands, formerly termed cavilly sotuntrums, to be continued;

How they are to be assessed, and paid.

III. *First.*—The contributions from malgoozaree lands hitherto levied for the cavilly establishments, under the denomination of cavilly sotuntrums, shall continue to be collected: the annual amount of such contributions to be assessed on each village respectively shall be the average of cavilly sotuntrums paid or payable by each village in the six years from Fusly 1214 to Fusly 1219, inclusive. The contributions above mentioned shall be paid by the meerassadars or renters into the public treasury, at the time and in the manner which may be established for the payment of the land revenue.

 Second.—The

How the cavilly ſotuntrum contributions are to be aſſeſſed on villages under amany, between Fuſlies 1214 and 1219. And how upon villages now or hereafter under amany.

Second.—The amount of contribution to be paid in lieu of cavilly sotuntrum by villages which were under management during the period mentioned in the preceding clause, or during any part thereof, shall be collected at the established centage on the actual amount of the produce of such village.

Third.—In villages which now are or shall hereafter come under management, the collector shall levy the contributions to be raised on account of cavilly sotuntrum from the actual produce of such villages, in grain, at the established rates, and shall realize the same into the public treasury, in like manner as the land revenue of those villages.

What contributions are to be levied, on account of police, from lands wholly or partly alienated.

IV. The allowances and contributions hitherto paid to the cavilgars by the holders of land wholly or partly alienated, shall cease; and in lieu thereof there shall be annually levied from the holders of such lands a contribution in money at the same rate per valy as, under the provisions of Clause first, Section III. of this Regulation, is to be collected from the holders of the neighbouring malgoozaree lands of similar description and quality.

The houſe tax to be continued and extended; what houſes and buildings are to be aſſeſſed with the tax; to be collected for the preſent at the former cuſtomary rates.

V. *First.*—The house tax, which has hitherto been partially levied in the province of Tanjore in aid of the cavilly police funds, shall be continued, and is hereby extended to all the towns and villages of whatever description, and to all houses, bankshalls, storehouses, shops and all other descriptions of buildings appropriable to the private uses of individuals within that province: and the house tax so continued and extended, shall, for the present, be collected at the rates which have hitherto been customary in those places where the tax has been collected; that is to say, for every such building as aforesaid, at the rate of two Madras fanams per annum if covered with tiles, or one Madras fanam per annum if covered with thatch.

Exception in favour of labourers dwellings;

Unleſs of a ſuperior deſcription.

Second.—The huts or houses of puller and other casts of labourers employed in agriculture, and generally of all persons who earn their livelihood by manual labour, not being artificers, artizans, weavers or manufacturers, shall be exempt from payment of house tax.—But nothing herein contained shall be taken to exempt from such payment any individuals of the descriptions above mentioned, who shall be found, upon inquiry, to be in such circumstances and possessed of such a house as would otherwise render them liable to the payment of the said tax; and it is hereby declared that persons so circumstanced shall be subject to assessment of house tax at the rates now or hereafter to be fixed.

The Governor in Council to direct occaſional reviſions of houſe tax.

Limitation of the amount which may be aſſeſſed.

Third.—The Governor in Council will from time to time, at his discretion, direct a revision of the tax upon houses under the superintendence of the Board of Revenue—and the rates which, after each revision, shall be approved of by the Governor in Council, shall be the fixed rates at which the said tax shall be levied until altered by a subsequent revision.—Provided always, that such rates shall never exceed five per centum upon the annual rent which the houses or other buildings hereby declared liable to taxation (the same being let out to hire) do actually yield to their proprietors respectively, or, in cases of houses remaining in the occupancy of their proprietors, then that the said rate do not exceed five per centum upon the rent at which houses or buildings of similar description and value within the province aforesaid are generally let to hire.

Police contributions to be levied by the collector of land tax. Arrears recoverable as arrears of revenue.

VI. *First.*—The collector of the land revenue shall continue to levy and receive the sotuntrum assessment and house tax. All arrears of such contributions as are established by this Regulation, shall be recoverable by distraint of personal property in the same way and under the same process as arrears of the land revenue.

Arrears now due under the uſage of the province, or the orders of the Board of Revenue and of Government, recoverable in like manner.

Second.—All arrears which may be due to the police fund under the former usages of the province of Tanjore, or under the order of the Board of Revenue and of the Governor in Council, shall, in like manner, be recoverable by distraint of personal property in the mode prescribed by the Regulations for the recovery of arrears of revenue.

A. D. 1816. REGULATION II.

A REGULATION for modifying some of the provisions at present in force for the collection of customs on certain articles of commerce, in the territories immediately dependent on the Presidency of Fort St. George :—Passed by the Right honourable the Governor in Council, on the 18th January 1816; corresponding with the 7th Tye of the year Yuvah, 1736th year of Saleewaguna, and with the 17th Suffer 1231 Hijeree.

WHEREAS it has been considered expedient, with a view to encourage the exportation of the staples and marine stores of Great Britain, that the import duties, now payable at this Presidency on sundry articles, should be abolished, provided that the articles be imported from Great Britain or Ireland on British registered ships or Indian-built ships, trading under the provisions of the 30th section of the Act 53d George III. cap. 155, and other subsequent Acts; and that the duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain and Ireland, should be modified; and whereas it has further been deemed expedient to modify and alter the duties now levied on goods, being the produce of the British territories under this Presidency, on their exportation to the United Kingdom of Great Britain and Ireland on British and Indian-built ships, and to make certain other alterations in the Regulations for the collection of the customs; the following rules have therefore been enacted, to be in force throughout the territories immediately subject to the Presidency of Fort St. George, from the date of their promulgation. Preamble.

IMPORTS.

II. Woollens, including cloths of sorts, blankets, hose, guernsey shirts, caps, and generally all articles manufactured from wool or worsted thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland, at the port of Madras or at any of the several ports subject to the Government of Fort St. George, on British registered ships or Indian-built ships, trading under the provisions of the 30th section of the Act 53d George III. cap. 155, and other Acts containing similar provisions, shall be exempt from duty; any thing contained in any former Regulation to the contrary notwithstanding. All articles manufactured from wool, worsted thread or yarn, imported from the United Kingdom on British registered ships, or Indian-built ships trading under legal authority, shall be exempt from duty.

III. Copper, tin, iron, steel, lead and all other metals, in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding section, shall also be exempt from duties. Unmanufactured metals, the produce of the United Kingdom, imported in a similar manner, also exempted from duties.

IV. Canvas, cordage, and other marine stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II, shall be exempt from duties. Canvas and other marine stores, the produce or manufacture of the United Kingdom, also exempted from duties.

V. *First.*—All articles, the produce or manufacture of the United Kingdom, not specified in the preceding section, (with the exception hereinafter stated) if imported in the manner specified in Section II, shall be exempt from the duty of eight per cent. imposed by Regulation II. of 1812, or any duty imposed by any other former Regulation, and shall be charged with a duty of (2½) two and a half per cent. to be adjusted according to the provisions established by Regulation II, 1812, or any other Regulation in force. All other articles, except wines and spirits, the produce or manufacture of the United Kingdom, shall be charged with a duty of 2½ per cent.

Second.—All articles, the produce or manufacture of foreign Europe, (with the exception of wines and spirits,) on importation in the manner specified in Section II, shall be exempt from the duty of eight per cent. imposed by Regulation II. of 1812, or any duty imposed by any other former Regulation, and shall be charged with a duty of five per cent. All articles, the produce or manufacture of foreign Europe, (with exception of wines and spirits,) shall be subject to a duty of 5 per cent.

Third.—Wines and spirits of every description, imported from Great Britain or Ireland, shall continue subject to the same rate of duty with which they are chargeable under Regulation II, 1812, and any other Regulations in force. Wines and spirits imported from the United Kingdom shall continue subject to the duties specified in Regulation II, 1812, and other Regulations in force.

VI. Articles

The articles above specified, if imported otherwise than as described in Section II, shall be subject to the duties chargeable under the Regulations now in force.

VI. Articles imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties chargeable under the Regulations now in force.

The goods above enumerated, on which duties may have been paid at any port in British India, shall not be liable to further duty on transit from port to port.

VII. *First.*—If the established duties on the goods specified in the preceding sections, shall have been paid at any port in the territories subject to the British Government in India, no further duty shall be levied upon their transit from port to port, within the same territories.

A certificate to be granted by the collector of sea customs.

Second.—A regular certificate of the payment of the duties specified in Section V. shall be furnished by the collector of sea customs at the port at which such duties may have been levied, for the purpose of being produced and exhibited to the collector of customs, or other proper officer, at any port to which such goods may be brought after the first payment of duties.

EXPORTS.

A drawback to be allowed on indigo, the produce of the territories immediately dependent on Fort St. George, when exported to the United Kingdom.

VIII. *First.*—Indigo, the produce and manufacture of the territories immediately dependent on the Presidency of Fort St. George, shall be allowed a drawback on exportation on British registered ships or on Indian-built ships trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d George III. and subsequent Acts, equal to the whole amount of the duty paid under the Regulations now in force.

Drawback to be allowed on indigo, the produce of the territories of any native power.

Second.—Indigo, the produce and manufacture of the territories of any native power, if exported as specified in clause first of this section, shall be allowed a drawback at the same rate only as indigo the produce and manufacture of the British territories, although the duty levied may have been higher.

Drawback to be allowed on cotton wool, hemp and sunn, on exportation to the United Kingdom.

IX. On cotton-wool, hemp and sunn, the produce of any part of India, a drawback of the whole amount of the duty paid shall be allowed on exportation to the United Kingdom of Great Britain and Ireland, in the manner specified in clause first of the preceding section.

Drawback allowed on other articles, on exportation to the United Kingdom.

X. All other articles, including salt-petre, which are now liable to duty, shall, on exportation to the United Kingdom in the manner specified in Clause first, Section VIII. of this Regulation, be liable only to a duty at the rate of ($2\frac{1}{2}$) two and a half per cent., and shall be allowed such a drawback as may reduce the duty already received to that rate, on the tariff valuation of the place of export. But no drawback shall be allowed, unless applied for when the goods are exported, and unless the application be accompanied by the rowannah or rowannahs granted when the duty, for which drawback is claimed, was collected.

With the foregoing exceptions, this Regulation not to affect the inland and transit duties.

XI. It is hereby declared that nothing contained in the present Regulation is to be construed to affect the inland and transit duties payable under the provisions of Regulations I, II, and III, 1812, or any other existing Regulation.

This Regulation not applicable to trade on foreign bottoms.

XII. Nothing contained in this Regulation is intended to apply to the trade conducted on foreign bottoms; the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing until all the arrangements consequent on the treaties of peace shall have been completed.

Sec. VIII, Reg IV, 1812, rescinded.

XIII. Section VIII, Regulation IV, 1812, is hereby rescinded

A. D. 1816. REGULATION III.

A REGULATION for rescinding Regulation VI. of 1806, and for authorizing the Courts of Sudder and Foujdary Adawlut to sanction the occasional adjournment of the Civil and Criminal Courts under the Presidency of Fort St. George:—Passed by the Governor in Council of Fort St. George, on the 23d April 1816; corresponding with the 13th Chitteree of the year Dautoo, 1737th year of Saleewaguna, and with the 24th Jemadee ul awull 1231 Hijeree.

IT having been found that the annual festivals called the Dussarah and Mohurrum are not held in equal estimation in all the provinces subject to the Presidency of Fort St. George, and that the wishes of the native officers and servants, as well as the general convenience of the courts, would best be met by authorizing vacations of the different zillah and provincial courts at different periods; the Right honourable the Governor in Council has enacted the following rules, to be in force from the date of their promulgation: Preamble.

II. Section XXIII, Regulation V. of 1802; Regulation VI, A. D. 1806; and so much of Section VI, Regulation I, A. D. 1811, as declares the rule contained in Section IV, Regulation VI. of 1806, to be applicable to the fixing of the times for holding the quarterly jail deliveries at the sudder stations of the courts of circuit, are hereby rescinded. Rescissions.

III. The Courts of Sudder and Foujdary Adawlut are hereby empowered to permit, from time to time, the judges of the civil and criminal courts under the Presidency of Fort St. George, to adjourn their respective courts; and in like manner themselves to adjourn; so that such occasional adjournments of any court shall not collectively exceed two months in each year. Court of Sudder and Foujdary Adawlut to sanction occasional adjournments of the lower courts, and in like manner to adjourn themselves.

A. D. 1816. REGULATION IV.

A REGULATION for declaring the head inhabitants of villages to be Moonsifs in their respective villages, to hear and decide civil suits for sums of money, or other personal property to a limited amount, and for defining their jurisdiction:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th of May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

WITH a view to lessen the business of the zilla courts, to diminish the expense of litigation in petty suits, and to promote the speedy adjustment of such suits, without subjecting individuals to the inconvenience attending a long absence from their homes; the Governor in Council has enacted the following Regulation, to be in force in the territories subject to the Presidency of Fort St. George. Preamble.

II. Heads of villages shall, by virtue of their office, be moonsifs within their respective villages. Heads of villages to be moonsifs within their villages.

III. *First.*—In villages, whether permanently settled, rented, or in the hands of Government, where there may be more than one head man coming under the denomination of Potail, Reddy, Peddacapoo, Yajemaun, Renter, or any other designation, the person who collects the revenue, and under whose authority the village servants act, shall be considered as the head of the village; no person shall act as head of the village, who does not generally reside in it; where there is but one resident renter of a village, he shall be considered as the head of the village; when the renter is not a resident, the person who rents or manages the village under him, shall be considered as the head of the village. Heads of villages defined.

Second.—Where from the names of two or more persons being introduced in the same pottah, as heads or renters of the village, or from any other cause, doubts may arise as to whom the office of head of the village belongs, the collector shall select one person, and give him a pottah to act as the head of the village. Where doubts may arise, collectors are to select one person to act as head of the village.

Village moonſifs exempt from oaths of office;

IV. *First.*—Village moonsifs shall not be required to take any official oath.

and from being called upon to anſwer for their conduct as moonſifs before the diſtrict moonſifs;

Second.—Village moonsifs shall not be liable to be called before the district moonsif, to answer for their conduct as village moonsif, in any case.

or before the zilla judge.

Exception.

Third.—Village moonsifs shall not be liable to be called before the zilla judge to answer for their conduct as village moonsif, except on charges of corruption, or of having exceeded the powers of fine or imprisonment granted to them by this Regulation.

Suits cognizable by village moonſifs.

V. *First.*—Village moonsifs are empowered to hear, try and determine, of their own authority and without appeal, such suits as may be preferred to them for sums of money or other personal property, the amount or value of which shall not exceed ten arcot rupees.

No ſuch ſuits to be entertained where the cauſe of action ſhall have ariſen twelve years before the commencement of the ſuit.

Exceptions to the rule.

Second.—Provided that in the suits specified in the preceding clause of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question, and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period above mentioned to a competent authority, and in such case, that he assign satisfactory reasons to the moonsif why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Village moonſifs prohibited trying ſuits for damages of any kind.

VI. Village moonsifs are hereby prohibited from receiving or trying any suit for damages on account of personal injuries, or for personal damages of any nature.

Village moonſifs prohibited trying ſuits in which they or their ſervants are intereſted.

VII. Village moonsifs are hereby prohibited from trying any suit in which they, or any of their immediate servants are personally interested.

Village moonſifs prohibited trying ſuits againſt perſons not reſident in their juriſdiction.

VIII. Village moonsifs are prohibited from trying and determining suits against any person or persons, who may not be found to be actually resident within their jurisdiction at the time when such suits shall be preferred.

Vakeels to be relatives, ſervants or dependants of parties—to be furniſhed with vakalutnamahs.

IX. *First.*—Plaintiffs and defendants shall be allowed to employ a relative, a servant, or a dependant to plead before the village moonsif, on furnishing the person to be so employed with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act.

Perſons not to act as vakeels, until their vakalutnamahs have been exhibited.

Second.—Village moonsifs shall not in any case permit any person to act as the vakeel of another, until such person shall have exhibited a vakalutnamah containing the information required by the preceding clause.

Curnums to aſſiſt moonſifs.

X. *First.*—In hearing, trying and determining civil suits, the village moonsifs shall be assisted by the village curnums, or persons holding the office of curnum for the time being, a part of whose duty it shall be to attend as assessors to write the proceedings of the moonsifs, and when required to afford them their advice. But the village moonsif shall decide by his own opinion, whether it agree or not with that of the curnum.

Moonſifs to decide on their own opinion.

Curnums to keep regiſters of ſuits preferred to village moonſifs.

Second.—The curnums shall keep registers of the suits preferred to the village moonsifs, entering each complaint, in the order in which it may be received, in the form prescribed in Section XXXVI. of this Regulation.

What the plaint is to contain.

XI. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

Village moonſifs how to proceed on a complaint being preferred to them.

XII. *First.*—Upon a complaint being preferred in writing to the village moonsif, he shall, by a verbal summons, require the defendant to appear before him in person or by vakeel, immediately, or within two days from the delivery of the summons.

Defendant to be ſummoned verbally.

Summons by whom and how to be ſerved.

Second.—The summons shall be served by the village servant usually employed in carrying messages, who shall be accompanied by the plaintiff, or his vakeel, to point out the defendant, and to explain to him the demand against him.

Third.—If

Third.—If a defendant, having been served with a summons in the mode above prescribed, shall neglect or refuse to attend within the time limited, the village servant shall be called upon to make oath to the service of the summons, after which, the village moonsif shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

On the non-appearance of the defendant on the day fixed, the village servant to make oath to the service of the summons. Moonsif to give judgment exparte.

XIII. If the defendant shall attend in obedience to the summons, the plaint shall be read over to him, and if he shall acknowledge that the plaintiff has a claim upon him, the village moonsif shall advise the parties to settle the matter amicably. If the plaintiff be satisfied by the defendant, the village moonsif shall cause him to execute a razeenamah, stating in what manner the defendant has satisfied him, which razeenamah shall be certified by the village moonsif as having been executed in his presence, and he shall then deliver it to the defendant.

If a defendant appear, plaint to be read to him.

Razeenamah to be taken if the dispute be settled amicably; what it is to contain.

XIV. *First.*—If the defendant, on the plaint being read over to him, shall object to the demand, and the parties shall be unable to adjust the dispute amicably, the village moonsif shall deliver to the defendant a copy of the plaint, and shall require him to deliver his answer immediately, or on a certain day, not more than five days after the day on which the plaint was read.

Otherwise copy of the plaint to be delivered to the defendant;

and his answer to be required.

Second.—The answer shall contain all that the defendant has to state regarding the case, and no further pleading shall be admitted.

Answer to state all he has to say; no further pleadings to be admitted.

Third.—When the answer has been filed; the village moonsif, either immediately, or on a fixed day, as soon after as the business before him will permit, shall examine the truth of the complaint or claim. If the parties are willing to dispense with the examination of witnesses, the village moonsif shall give his decision on due consideration of the plaint and answer, and any vouchers which may be produced; or if either party is willing to let the cause be settled by the oath of the other, the village moonsif shall give his decision according to such oath.

When and how the truth of the complaint is to be examined.

XV. *First.*—Village moonsifs are authorized to require the attendance of any person in their respective villages, who may be named as a witness by any party in a suit, by a verbal summons, fixing a day for the attendance of such witness.

Village moonsifs may require the attendance of witnesses by a verbal summons.

Second.—The summons shall be served by the village servant usually charged with carrying messages, attended by the parties, or their respective vakeels, to point out the witnesses.

By whom to be served.

Third.—The village moonsifs are authorized to cause an oath to be administered to witnesses, in cases where they may deem it necessary.

Village moonsifs authorized to cause oaths to be administered to witnesses, when necessary.

Fourth.—The village moonsif shall, previously to the examination of a witness, inform him that he has authority to cause an oath to be administered to him when he may think he is not giving his evidence correctly, which authority the village moonsif shall exercise at his discretion.

The village moonsif is to exercise this authority at his discretion.

Fifth.—It shall not, in any case, be necessary to take the depositions of the witnesses in writing.

Witnesses to be examined viva voce.

Sixth.—If a witness, duly summoned, shall refuse to attend, or attending shall refuse to answer, such witness shall be liable to be fined for every such offence, at the discretion of the village moonsif, in a sum not exceeding half a rupee.

Witnesses refusing to attend or to answer, liable to be fined.

XVI. *First.*—If any person, whose testimony is necessary in a suit, shall be temporarily absent from the village, the trial of the suit shall be postponed until his return.

Trial to be deferred if a necessary witness be absent from the village.

Second.—If, in any case, the evidence of a person residing in a different village shall be required, provided that the village be not farther distant than two coss, the moonsif requiring his attendance, shall address a summons to such person, containing the names of the parties in the suit, and fixing a day for his attendance, and shall forward it to the moonsif of the village in which such person shall reside, who shall cause the summons to be served by his own village servants, and shall return the summons, with a certificate that it has been duly served, to the moonsif who issued it.

How the evidence of a person residing in a different village is to be obtained, if within a distance of two coss.

Third.—Any person refusing or neglecting to attend on such summons, shall be liable to be fined in a sum not exceeding one half of a rupee, which shall be levied by

Persons refusing to attend on such summons, liable to be fined.

Fine by whom to be levied.

by the village moonsif in whose jurisdiction such person may reside, on a communication of the order imposing the fine being made to such moonsif, by the moonsif by whom such order may be passed.

How the evidence of persons residing in a different village is to be taken, if beyond a distance of two coss.

Fourth.—If the person whose evidence is required shall reside at a greater distance from the village than two coss, the village moonsif is authorized to request, by a letter bearing his signature, the moonsif of the village in which the person whose testimony is required may reside, to examine such witness on written interrogatories prepared by one or both parties, or by their vakeels. The village moonsif shall examine the witness or witnesses named in the letter according to the requisition of it, and shall return the deposition of each witness, duly subscribed by him, to the moonsif of the village where the cause may be depending, by the time required in the letter, and every deposition so taken shall be received as good evidence in the cause.

Attendance of women of rank or high cast not to be required.

To furnish their evidence in writing.

Fifth.—Village moonsifs shall not summons any woman to appear before them whose rank or cast may render it improper to require her attendance; but when the evidence of such person is necessary, the village moonsif shall require her to furnish her deposition in writing duly attested. The deponent shall state in her deposition that she is prepared to swear to the truth of her deposition, if required.

Village moonsifs prohibited from requiring securities.

XVII. The village moonsifs, in suits depending before them, are hereby strictly prohibited from requiring securities of any kind from defendants.

Suits to be dismissed if the plaintiff do not attend at the time fixed for the trial, and not again revived.

Proviso.

XVIII. *First.*—If a plaintiff shall not attend on the day fixed for the trial, and the defendant shall be in attendance before the moonsif, the suit shall be dismissed and shall not be revived, unless the plaintiff shall shew good and sufficient cause for his absence.

If the defendant do not attend, or refuse to answer, the suit to be tried exparte.

Second.—If the defendant shall refuse to answer the plaint, or shall not attend on the day fixed for the trial, the village moonsif shall proceed to try the cause exparte, as prescribed in Clause third, Section XII. of this Regulation.

Parties, or their vakeels and witnesses, liable to fine for disrespect to village moonsifs.

XIX. Parties, or their vakeels, and witnesses, guilty of disrespect to a village moonsif, shall be liable to be fined by him in a sum not exceeding one half of a rupee.

The decision to be passed after due consideration.

XX. When the parties have been heard, the exhibits received and considered, and the witnesses on both sides examined, the village moonsif shall give judgment according to justice and right.

What shall be contained in the decree.

XXI. The decree shall specify the names of the parties and the names, of the witnesses examined, and the titles of the exhibits read. It shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed. It shall specify the sum of money, or the value of the personal property adjudged. The decree shall bear the signature, or mark and seal of the village moonsif and curnum, and shall be dated on the day on which it is passed.

Rate of interest to be allowed.

XXII. Village moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest, in any case, than the courts of adawlut are permitted to allow by Regulation XXXIV. of 1802.

Village moonsifs may allow a reasonable period for the execution of their decrees.

XXIII. Village moonsifs shall have authority to allow in their decrees, such reasonable periods for their execution as may appear just in particular cases, not however, in any case, exceeding three months.

Copies of the decree to be given to parties within three days after its date.

Date of the delivery to be certified by the moonsif and curnum.

XXIV. *First.*—Village moonsifs shall, within three days after passing a decree, cause two copies of it to be prepared by the village curnum, and shall deliver one copy to each party; the date of such delivery being certified by the signature of the moonsif and of the curnum.

Non-attendance on delivery of, or refusal to receive the decree, to be noted on the back of it; and the decree to be deposited with the curnum.

Second.—If the plaintiff or defendant shall not attend in person or by vakeel to receive a copy of the decree, or shall refuse to receive it when tendered, the village moonsif shall cause such omission or refusal to be noted on the back of the copy of the decree so omitted to be taken, or refused, and shall deposit it with the curnum for the purpose of delivering it to the party, if he shall afterwards claim it.

Village moonsifs not to punish any party, vakeel or witness. Exception.

XXV. No village moonsif shall punish any party, vakeel or witness, in any suit before him, excepting under the provisions specified in Clause sixth, Section XV, Clause third, Section XVI. and Section XIX. of this Regulation; provided however,

however, that if the party, vakeel, or witness, shall refuse or be unable to pay the fine, the village moonsif may at his discretion commute such fine for twelve hours confinement in the village choultry.

Cases in which fines may be commuted for twelve hours confinement.

XXVI. Suits in which the village moonsif is a party, shall be tried by the moonsif of another village, or by any competent authority.

Suits in which village moonsifs are parties, by whom to be tried.

XXVII. The village moonsif is authorized to hear, try and determine, as arbitrator, suits for sums of money or other personal property, the amount or value of which shall not exceed one hundred arcot rupees; provided both the parties interested in such suits shall voluntarily agree in writing to refer them to his decision as arbitrator, and shall voluntarily subscribe bonds in the presence of two or more credible witnesses, who shall attest the same, binding themselves to abide by the decision of the moonsif to whom they may refer the suit, whether he be the moonsif of their own village or of any other village.

Village moonsifs authorized, as arbitrators, to determine suits for sums of money or other personal property not exceeding one hundred rupees.
Proviso.

XXVIII. In trying the suits described in the foregoing section, the village moonsif shall be guided by the rules prescribed for his conduct in trying suits preferred to him under the provisions of Section V. of this Regulation, so far as those rules may be applicable.

By what rules they are to be guided in deciding them.

XXIX. The decisions of village moonsifs, either as moonsif or arbitrator, shall not be carried into execution by them in less than thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels; should either party present a petition to the zillah judge within that period, charging the village moonsif with corruption or gross partiality, the zillah judge shall order execution of the decree to be stayed, and if the charge of corruption or partiality be proved to the full satisfaction of the zillah judge, by the oaths of two credible witnesses at the least, he shall annul the decision.

Decisions of village moonsifs not to be carried into execution in less than thirty days after date or delivery.

On proof of corruption or partiality, the zillah judge to annul the decision.

XXX. *First.*—If the defendant shall not discharge the sum decreed against him within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels, or within the period limited in the decree, the village moonsif shall, on the written application of the party in whose favour the decree may be given, attach the property of the party cast, to the value of the sum decreed, and shall give immediate notice of such attachment and of the day fixed for the sale, to the district moonsif, who shall send a peon to sell the attached property by public auction in presence of the village moonsif, at the expiration of the time fixed in the notice of sale.

Property in certain cases to be attached in satisfaction of decrees.

Notice thereof to be given to the district moonsifs.
Process to be observed to sell the same.

Second.—The peon deputed by the district moonsif shall not have any charge of the property under attachment. His duty shall be to sell the property and receive the purchase money, from which he shall pay to the party in whose favour judgment may be given, the amount decreed, taking his receipt attested by the village moonsif and curnum.

The peon deputed not to have charge of the property under attachment.
Duty of the peon.
Receipt to be taken.

Third.—The peon deputed by the district moonsif shall be entitled to receive batta at the rate of two annas of a rupee per diem during his deputation, and the amount of such batta, together with every expense that may attend the sale, shall be defrayed by the party cast, or deducted from the proceeds of the sale, on the certificate of the moonsif and curnum that such amount of batta and such expenses are correctly charged.

Batta to the peon,

and all expenses attending the sale, how to be defrayed.

Fourth.—If any surplus shall remain of the proceeds of the property sold, after satisfying the decree and defraying the expenses incurred, including the batta of the peon, it shall be paid to the party cast, and his receipt for the same, attested by the village moonsif and curnum, shall be taken by the peon, and produced to the district moonsif, along with the receipt of the party in whose favour the decree may have been passed, and the certificate of the village moonsif of the amount of batta and expenses attending the sale, as the vouchers of his having correctly discharged his duty.

Surplus to whom to be paid.

Receipt to be taken; and produced to the district moonsif, with what other vouchers.

Fifth.—Provided however, that in every instance of property being attached in execution of a decree, the village moonsif shall cause public notice of the intended sale of such property to be given by beat of drum through the village, five days previous to the sale; provided further that it shall be at the option of the party cast, to satisfy the judgment at any time previous to the period fixed for the sale, and that on his satisfying the judgment by paying the amount to the village moonsif, or to the peon if he should have arrived, together with the batta of the peon and all other

In cases of attachment, what further notice is to be given.

Attachment to be withdrawn on satisfaction of the judgment being made previous to the time fixed for sale.

attending expenses, according to a certificate to be furnished by the village moonsif, the village moonsif shall withdraw the attachment and restore the property to the possession of the owner.

Reſiſtance to a ſale to be puniſhed as a breach of the peace.

Sixth.—Resistance to a sale ordered by a village moonsif, shall be considered to be a breach of the peace, and shall be punished as such.

Regiſter of all ſales by auction to be kept; what it is to contain.

XXXI. The village curnum shall keep a register of all sales by auction, in his village, in satisfaction of decrees, noting therein the day of sale, the particulars of property sold, its amount, the name of the purchaser and his residence.

Suits tried by village moonſifs exempt from fees, ſtamp duties, and all charges.

XXXII. Suits tried by village moonsifs shall be exempt from fees, stamp duties, batta and charges of every description, excepting those specified in Section XXX. of this Regulation.

Amount of fines levied to be ſent monthly to the diſtrict moonſif, with liſts. What to contain.

XXXIII. All fines levied by the village moonsifs shall be sent at the end of each month to the district moonsif, with a list stating the names and situations of the parties from whom such fines have been levied, and the reasons for which the fines were imposed.

No exhibits to be admitted which are not written on the preſcribed ſtampt paper or cadjan.

XXXIV. *First.*—The village moonsifs are prohibited from admitting as an exhibit, or from receiving in evidence, any obligation, bond, deed or document, whether it be the original or a copy, of a description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulations.

A liſt of rates of duties on ſtampt paper and ſtampt cadjans to be lodged with the village curnum.

Second.—A list of the prescribed rates of duties on stampt paper and stampt cadjan, specifying the dates on which it was enacted that the collection of those duties respectively should commence, shall be furnished by the collectors to every village curnum in their respective zillahs, for the guidance of the village moonsifs.

Village moonſifs liable to proſecution for corruption or oppreſſive and unwarranted acts.

XXXV. *First.*—Village moonsifs shall be liable to prosecution in the zilla court, for corruption in the discharge of their trust, by either party in the suit, and for any oppressive and unwarranted act of authority, by the party injured; and upon proof of the charge to the satisfaction of the judge, he shall in the first mentioned case adjudge the offender to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; and in the second, award such damages and costs to the party injured as may appear to him equitable; but no village moonsif shall be liable to be prosecuted for want of form, or for error in his proceedings or judgment; nor shall any process whatever be issued against a village moonsif, who may be charged with corruption, or any oppressive and unwarranted act of authority, unless the judge shall be previously satisfied by sufficient evidence, that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act complained of.

Puniſhment on conviction.

Not liable to proſecution for errors or want of form.

Proviſo under which proceſs is to be iſſued on charges of corruption.

The party by whom or for whom the corruption is practised, to be fined. Proviſo.

Second.—The zillah judge shall, on charges of corruption, fine the party by whom or for whom the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which the village moonsif may be proved to have so corruptly received.

If the corruption be not proved, the moonſif to have damages and coſts, and the party making the groundleſs charge to be fined.

Third.—If the corruption charged against any village moonsif shall not be proved to the satisfaction of the zillah judge, he shall award full costs and such damages to the village moonsif as may appear to him equitable, and he shall levy a fine from the party making such groundless charge not exceeding the value of the thing or sum of money charged to have been corruptly received.

Monthly reports of ſuits decided to be ſent to diſtrict moonſifs, as alſo

XXXVI. The village moonsif shall, on the first day of every calendar month, transmit to the district moonsif a report, written by the curnum, of the suits decided in the preceding month, according to the following form, to be forwarded to the zillah judge.

REPORT of Causes decided by the Moonsif of the village of in the month of

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Arbitration suits; date of the bonds of the parties.	Decree.	Date of the decision.
1.	Reddy Row *vs.* Venkapah.	8 rupees on bond, with one rupee interest.	1st.	- - -	8 rupees principal, with one rupee interest, in favour of the plaintiff.	10th.
2.	Mahomed *vs.* Narrain.	65 rupees, balance of an account.	- - -	8th.	65 rupees awarded to plaintiff.	10th.
3.	Veeram *vs.* Kistnah.	Price of a bullock, 10 rupees.	18th.	- - -	Dismissed, plaintiff having executed a razeenamah.	17th.

XXXVII. The village moonsif shall on the first of January and the first of July of each year, transmit to the district moonsif, reports of the causes depending before him, drawn out in the following form by the curnum, to be forwarded to the zillah judge :— Half-yearly reports of depending suits.

REPORT of Causes before the Moonsif of the village of remaining undecided on the

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Arbitration suits; date of the bonds of the parties.
1.	Ramasawmy *vs.* Mahomed.	9 rupees, principal and interest of bond.	3d.	—
2.	Runganaick *vs.* Naraina Chitty.	Silver ornaments, valued at 100 rupees.	- - -	15th.
3.	Ninan *vs.* Chinne	Value of a bullock, 10 rupees.	20th	—

XXXVIII. These reports shall be forwarded by the public tappal or by a peon to the district moonsif, or to the nearest police officer, who shall give a receipt for them and forward them to the district moonsif. How to be forwarded.

XXXIX. A copy of this Regulation shall be lodged with and preserved by each village curnum, for the information of the village moonsifs. Copy of this Regulation to be lodged with the village curnum.

A. D. 1816. REGULATION V.

A REGULATION for authorizing village moonsifs to assemble village punchayets, for the adjudication of civil suits for sums of money or other personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such village punchayets :—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th of May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

IT being desirable, with a view to diminish the expense of litigation and to render the principal and more intelligent inhabitants useful and respectable by employing Preamble.

employing them in administering justice to their neighbours, that sivil cuits between the native inhabitants of the territories subject to the Presidency of Fort St. George should be referred for adjudication to assemblies denominated punchayets, and that, for the purpose of facilitating such reference, the village moonsifs should be authorized to summon a punchayet on the application of both parties in a suit, and to refer such suit to be heard, tried and determined by such punchayet; and it being deemed expedient to protect members of village punchayets from being called to account for their conduct in the performance of these duties, except on charges of corruption; the Governor in Council has enacted the following rules.

Village moonsifs authorized to summon punchayets within their respective villages, for the decision of suits for sums of money or other personal property of any amount or value.

II. *First.*—Village moonsifs are hereby declared to be authorized to summon punchayets within their respective villages, for the decision of suits for sums of money or other personal property, without limitation as to amount or value, in the two following cases.

Proviso.

Second.—In suits where both plaintiff and defendant may jointly agree that the matter at issue shall be determined by a village punchayet without appeal, and may prefer a request in writing to the village moonsif to summon a punchayet, whether he be the moonsif of the village in which the parties reside, or of any other village; or where one party having preferred a request in writing to the village moonsif to summon a punchayet, the other party being an inhabitant of the same village, on being summoned by the village moonsif, shall attend and voluntarily give his assent in writing to the village moonsif, agreeing to that mode of trial.

No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit.

Exception to the rule.

Third.—Provided however, that in the cases specified in the preceding clause of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period above mentioned to a competent authority, and in such case that he assign satisfactory reasons to the punchayet why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Punchayet to consist of an odd number; the majority shall decide.

III. *First.*—The village punchayet shall always consist of an odd number, never less than five nor more than eleven, and the majority shall decide.

Of whom to be composed.

Refusing inhabitant, liable to fine.

How to be levied.

Second.—The village punchayet shall be composed of the most respectable inhabitants of the village, who shall be called upon to serve in rotation whenever their number is sufficient for this purpose; and any inhabitant of the village refusing to serve on a village punchayet, shall be liable to be fined at the discretion of the village moonsif, in a sum not exceeding five arcot rupees, which shall be levied if necessary by the village moonsif under the provisions for the execution of decrees in Section XXX, Regulation IV, 1816.

Inhabitant of a neighbouring village may be placed on a punchayet.

Third.—Any respectable inhabitant of a neighbouring village may be placed on a village punchayet, if he be willing to undertake the duty.

When the parties are of different casts, how the punchayet is to be formed.

Fourth.—When the parties in suits are of different casts or professions, the village moonsif shall, in all practicable cases, name an equal number of persons of the cast or profession to which each party may belong, to compose a part of the village punchayet, and shall complete the punchayet by the selection of a person or persons belonging to a cast or profession different from that of both the parties.

Challenged members to be withdrawn.

Fifth.—If either party shall object to any one or more of the members nominated to compose the village punchayet, and the village moonsif shall consider such objection to be well grounded, he shall withdraw the members objected to and appoint others to serve in their stead.

When the parties consent, each to name two members and the moonsif one; in other cases the moonsif is to name the whole punchayet.

Parties naming two each, to be avoided if possible.

Sixth.—When the parties may desire it, they shall each name two members, and the village moonsif shall name another person who may be unobjected to by the parties, to form the punchayet; but on all other occasions the whole shall be nominated by the village moonsif; the practice of the parties naming two members each shall never be allowed when it can be avoided.

IV. *First.*—The

How the punchayet is to proceed.

IV. *First.*—The village punchayet being formed as prescribed in the foregoing section, shall proceed to investigate the matter referred to them in conformity to the following rules.

An agreement to be taken from the parties to abide by the decision of the punchayet.

Second.—The village punchayet shall commence their proceedings by requiring from the parties an agreement in writing to abide by the decision of such punchayet, whose names shall be inserted in the agreement, which shall be witnessed by the village moonsif and curnum, and dated on the same day.

Vakeels to be relatives, servants or dependants of the parties employing them.

To be furnished with vakalutnamahs.

Third.—Vakeels for plaintiffs and defendants shall be admitted to plead before village punchayets, provided that every person so appearing as a vakeel be a relative, servant or dependant of the person by whom he may be employed, and provided he be furnished with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act; such vakalutnamah shall be exhibited by the vakeel before he be permitted to do any act in the suit.

Plaint to be received in presence of the parties or their vakeels.

What it is to contain.

Fourth.—The parties being present in person or by vakeel, the village punchayet shall receive the written plaint of the camplainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

Plaint to be read to the defendant.

Answer to be required.

Fifth.—The plaint shall be read to the defendant or his vakeel, and the defendant or his vakeel shall be required by the punchayet to give in his answer, either immediately, if he shall be prepared to deliver it, or on a day to be fixed, which shall not be later than one week from the reading of the plaint.

Answer to state every thing regarding the case; no further pleadings to be admitted.

Sixth.—The defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Exhibits and lists of witnesses to be then received, and a day to be fixed for the trial.

Seventh.—The village punchayet, after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses, and shall fix an early day for the trial, with reference to the convenience of the parties and witnesses respectively.

Lists of witnesses, and the day fixed for trial, to be communicated to the village moonsif.

How he is to proceed.

Eighth.—The village punchayet shall immediately communicate the lists of witnesses, and the day fixed for the trial, to the village moonsif, who shall require the witnesses to be in attendance on that day.

How the depositions of witnesses are to be taken.

In what cases to be committed to writing.

Ninth.—The parties and witnesses being in attendance on the prescribed day, the village punchayet shall proceed to take the depositions of the witnesses in the manner usual in the cast to which they may respectively belong, on separate papers or cadjan leaves, in all cases in which the matter at issue may exceed the value or amount of twenty arcot rupees; the deposition shall be read over to the witness, who shall then subscribe the deposition with his or her name or mark.

In other cases the punchayet to use his discretion.

Tenth.—In cases in which the matter at issue may be of smaller amount or value than twenty arcot rupees, it shall be discretionary with the village punchayet to take the depositions of the witnesses in writing or not.

The punchayet authorized to cause oaths to be administered to witnesses when necessary.

Eleventh.—The village punchayets are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary.

Questions suggesting a particular answer not to be put.

Oaths to be administered to witnesses at the discretion of the punchayet.

Twelfth.—The village punchayets shall not put a question to any witness suggesting a particular answer, and shall, previous to the examination of a witness, inform him that they have authority to cause an oath to be administered to him when they may think he is not giving his evidence correctly, which authority the village punchayets shall exercise at their discretion.

Trial to be suspended on the non-appearance of the parties or either of them.

To be reported to the village moonsif.

Notice to be fixed, what containing.

Thirteenth.—If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the village punchayet shall suspend the trial, and report it to the village moonsif, who shall cause to be affixed in some conspicuous place of the village, a notice specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice.

 Fourteenth.—If

Suit to be dismissed on the non-appearance of the plaintiff.

Fourteenth.—If the plaintiff shall not appear at the time fixed in the notice, the village punchayet shall dismiss his suit, which shall not be revived unless the plaintiff shall shew good and sufficient cause for his absence.

Cause to be tried ex-parte on the defendant's refusal to answer the plaint, or non-appearance.

Fifteenth.—If the defendant shall refuse to answer the plaint or shall not attend at the time fixed in the notice, the village punchayet shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

What circumstances to be reported to the village moonsif.

V. In cases where a witness shall neglect to attend, or attending shall refuse to give his testimony, or shall be otherwise guilty of disrespect to the village punchayet, as also where the evidence of a person is required who resides beyond the jurisdiction of the village moonsif, as also in the cases of persons whose testimony may be required, but whose rank or cast may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the village punchayet, the punchayet shall report the circumstances to the village moonsif,

How he is to proceed.

who is hereby authorized and directed, on receiving such reports, to take the same measures for procuring the attendance or testimony of the witnesses, or for punishing the contempts, as he would have taken under Sections XV, XVI. and XIX, Regulation IV, 1816, if the circumstances represented had occurred before himself.

When the decree is to be written.

VI. When both parties have been heard and the whole of the evidence has been gone through, the village punchayet shall order the parties and witnesses to withdraw, and shall write their decree according to justice and right.

What the decree is to contain.

VII. The decree of the village punchayet shall contain the names of the parties, and the names of the witnesses examined, and the titles of the exhibits read; it shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed; it shall specify the sum of money or the value of the personal property adjudged; the decree shall bear the signature or mark of the members of the punchayet, and shall be dated on the day on which it is passed.

Copy of the decree to be delivered to each party.

VIII. Two copies of the decree shall be prepared by the village punchayet, and shall be put under a sealed cover and delivered to the village moonsif, who shall require the parties, together with the punchayet, to assemble immediately, or at a convenient day, not being later than three days from his receipt of the decree; the

Date of the delivery to be endorsed.

village moonsif shall open the seal in presence of the parties, and shall cause the curnum to endorse on each copy of the decree, the date of the delivery thereof,

How to be attested.

which shall be attested by the signature of the village moonsif, the curnum and any member of the punchayet; the village moonsif shall then cause the punchayet to

Previous to delivery no communication of the nature of the decree to be made.

deliver to each party, in his presence, a copy of the decree; but no communication shall be made to the village moonsif, or to either party, of the nature of the decree previously to its delivery.

Non-appearance, or refusal to receive a copy, to be endorsed on it;

IX. If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the village moonsif shall cause the curnum to endorse on the copy intended for such party, such omission or refusal, and the date; the village moonsif shall attest the same with his signature, which shall be witnessed by the curnum and any

and copy so endorsed to be deposited with the curnum.

member of the punchayet; the copy so endorsed shall be deposited with the village curnum, to be delivered to the party afterwards claiming it.

Proceedings of the punchayets to be written by one of the members of the curnum.

X. The proceedings of the village punchayet, shall be written either by one of the members or by the village curnum, and no stamp paper need be used in plaint, answer, or any process.

Stamp paper not necessary.

No appeal allowed from the decrees of punchayets.

XI. *First.*—No appeal shall be permitted from decisions passed by village punchayets under this Regulation; but if the village punchayet shall be guilty of gross

In cases of gross partiality, how the parties to proceed.

partiality, it shall be at the option of either party to bring the matter, by petition upon stamp paper of the prescribed rate according to the amount of the suit, before the judge of the zillah.

Petition only to be received, if presented within the period limited.

Second.—The petition shall not be received unless it be presented, with the decree complained of, within thirty days after the date on which copies of the decree may have been furnished or tendered to the parties or to their vakeels.

Third.—If

Third.—If the petition be received, the judge shall order the execution of the decree to be stayed pending the inquiry.

When received, execution of the decree to be ſtayed.

Fourth.—If the partiality charged against the punchayet shall be established to the satisfaction of the judge, by the oaths of two credible witnesses at the least, he shall in every case, whatever the amount or value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal, who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet or to any other competent jurisdiction.

Decree to be annulled by the provincial court, on proof of partiality to their ſatisfaction.

Fifth.—Provided however, that where the decision of a second punchayet shall agree with the decision of a former punchayet in the same suit, it shall be final.

Deciſion of a ſecond punchayet agreeing with that of a former one in the ſame ſuit, to be final.

Sixth.—Petitions to the judge of the zillah under this section shall be presented by the parties in person, or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and the parties shall not be subjected to any other charge whatever.

Petition to the judge by whom to be preſented.

Fee payable to the vakeel preſenting them.

XII. Village moonsifs shall not receive or refer to a punchayet for trial, any suit for damages on account of personal injuries, or for personal damages of whatever nature.

Village moonſifs not to receive or refer to punchayets any ſuits for perſonal damages.

XIII. Suits tried by village punchayets shall be exempt from fees, stamp duties, batta and all charges of every description, except the cost of the paper or cadjan leaves on which the proceedings and decree may be written, the amount of which shall be inserted in the decree and be levied from the party cast.

Suits tried by village punchayets exempt from fees, stamp duties and all charges.

Exception.

XIV. Village punchayets shall not allow in their decrees a larger rate of interest than village moonsifs are authorized to allow under Section XXII, Regulation IV, 1816.

Rate of intereſt to be allowed.

XV. In respect to the admission of obligations, deeds and documents, the village punchayets shall be guided by the rules prescribed in Section XXXIV, Regulation IV, 1816.

By what rules they are to be guided with reſpect to the admiſſion of obligations deeds and documents.

XVI. *First.*—Decrees of village punchayets, in cases referred to them under this Regulation, shall be carried into execution by the village moonsif under the rules prescribed in Section XXX, Regulation IV, 1816, provided the amount or value of the sum of money or other personal property adjudged shall not exceed one hundred arcot rupees.

Village moonſifs to carry into execution the decrees of village punchayets.

Proviſo.

Second.—In suits for sums of money or other personal property, the amount or value of which shall exceed one hundred, but not exceed two hundred arcot rupees, the decrees of village punchayets shall be carried into execution by the district moonsifs on the written application of the party praying execution of the judgment.

In what caſes the decrees are to be carried into execution by the diſtrict moonſif.

Third.—In all other cases the decisions of village punchayets shall be carried into execution by the zillah judge, in the mode prescribed by the Regulations.

In all other caſes the decrees of village punchayets, to be carried into execution by the zillah judge.

XVII. Petitions to the judge of the zillah, praying execution of the decisions of village punchayets, shall be written on stampt paper of the prescribed rate, according to the amount decreed, and shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and such application shall not be subjected to any other charge whatever.

Petitions to the judge praying execution of the decrees of village punchayets, to be written on ſtampt paper.

Fee to the vakeel preſenting the petition.

XVIII. *First.*—Any member or members of village punchayets, shall be liable to prosecution in the zillah court, for corruption in the discharge of their trust, by either party in a suit which may have been referred to such punchayet, and upon proof of the charge to the satisfaction of the zillah judge, he shall adjudge the offender or offenders to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; but members of village punchayets shall not be liable to be prosecuted for want of form, or for error in their proceedings or judgment; nor shall any process whatever be issued against a member or members of a village punchayet who may be charged with corruption, unless the judge shall

Members of punchayets liable to proſecution for corruption

Puniſhment on conviction.

Not liable to proſecution for errors or want of form.

Proviſo under which proceſs is to be iſſued on a charge of corruption.

shall be previously satisfied by sufficient evidence that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act of corruption complained of.

The party by whom or for whom the corruption is practised, to be fined.

Second.—The zillah judge shall further fine the party by whom, or for whom, the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which any member or members of such village punchayet may be proved to have so corruptly received.

If the corruption be not proved, the accused to have damages and costs awarded to him or them, and the party making the groundless charge to be fined.

Third.—If the corruption charged against any member or members of such village punchayet shall not be proved to the satisfaction of the zilla judge, he shall award full costs and such damages to the members or members complained against, as may appear to him to be equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

When and what reports to be transmitted.

XIX. *First.*—Reports of causes tried by and depending before the village punchayets shall be transmitted by the village moonsifs to the district moonsifs, at the periods and in the manner prescribed in Sections XXXVI, XXXVII. and XXXVIII, Regulation IV, 1816.

Reports how to be drawn up.

Second.—The reports shall be drawn up agreeably to the following forms.

FORM No. 1.

REPORT of Causes decided by Punchayet in the village of in the month of

No.	Names of the parties.	Substance of the suits.	Date when preferred.	Date and abstract of the decree.
1.	Veerasawmy *vs.* Gopaliah.	10 rupees, balance due on bond.	1st.	10th. 9 rupees to plaintiff.
2.	Kishen Row *vs.* Vencatasa.	100 rupees, value of silver ornaments.	5th.	13th. Decreed 80 rupees to plaintiff.
3.	Sashiah *vs.* Nursing Row.	100 rupees, value of two bullocks and a bandy.	17th.	29th. Dismissed, plaint not proved.
4.	Cootty Chitty *vs.* Narrain Chitty.	12,000 rupees, balance of accounts.	20th.	30th. Dismissed, plaintiff files a razeenamah.

FORM No. 2.

REPORTS of Causes before Punchayet in the village of remaining undecided on the 1st of January or 1st of July

No.	Names of the parties.	Substance of the suits.	Date when preferred.
1.	Abdul Cauder *vs.* Sied Mahomed.	88 rupees, value of paddy.	3d.
2.	Bollajee Row *vs.* Custoor Chitty.	Balance of accounts, 500 rupees.	10th.

A copy of this Regulation to be lodged with the village curnum.

XX. A copy of this Regulation shall be lodged with and preserved by each village curnum, for the information of the village moonsifs and members of village punchayets.

A. D. 1816. REGULATION VI.

A REGULATION for reducing into one Regulation, the rules which have been passed regarding the office of native commissioners; for modifying and extending their powers in the trial and decision of civil suits; and for authorizing them, under the designation of district moonsifs, to discharge certain additional duties:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th of May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

Preamble.

WHEREAS the rules which have been enacted for constituting the office of moonsifs or native commissioners for the trial and decision of causes of a certain amount, have appeared in some instances to require revision; and whereas it is expedient, with the view of expediting the trial and decision of civil suits, to extend the jurisdiction of the said moonsifs, and to authorize the judges of the zillah courts to employ them in the execution of certain additional duties; and whereas it will contribute to the public convenience to transfer to the provincial courts the control now exercised by the sudr adawlut in the appointment and removal of moonsifs, and to reduce into one Regulation the provisions applicable to the office of district moonsifs; the following rules have been enacted.

Regulations rescinded.

II. Regulation XVI. of 1802; such part of Section XXIII, Regulation XXVIII. of 1802, as regards native commissioners; Section II, and such part of Section V, Regulation V. of 1808, as regards native commissioners; Clauses third, fourth, and fifth, Section XIII, and Sections XIV, XV, XVI, XVII, XVIII, XIX, XX. and XXIII, Regulation VII. of 1809, and Section IX, Regulation II. of 1811, are hereby rescinded.

Commissions to referees and arbitrators to be cancelled.

III. On the receipt of this Regulation, the zillah judges shall recal and cancel all commissions which may have been granted to natives, authorizing them, in the capacity of referees and arbitrators only, and not in that of moonsifs, to hear and determine civil suits; and the office of referee and arbitrator as a distinct office shall be abolished.

Moonsifs being referees and arbitrators, to determine all depending suits before them.

IV. In cases in which the office of referee and arbitrator is united with that of moonsif, such moonsif is authorized to hear and determine all causes now depending before him, whether in his capacity of moonsif, referee, or arbitrator.

The number of moonsifs to be fixed by Government.
New establishment of moonsifs to be submitted by zillah judges to the provincial courts;
and places to be fixed on for their cutcherries.

V. *First.*—The number of district moonsifs for each zillah shall be fixed by Government. The judges of the several zillahs shall on the receipt of this Regulation, prepare and submit to the provincial courts a new establishment of district moonsifs, whose local jurisdictions shall be so arranged, as to include one or more whole tehsildaries or police jurisdictions. They shall at the same time report to the provincial courts the name of the town or village in each jurisdiction, which may be best adapted for the establishment of each moonsif's cutcherry.

Former sunnuds to moonsifs to be cancelled on the approval by the provincial court of the selection of moonsifs for each zillah.

Second.—When the selection of district moonsifs for each zillah, and the places in which their respective cutcherries are to be held, shall have been approved by the provincial courts, the whole of the sunnuds, which may have been formerly granted to moonsifs shall be recalled and cancelled, and their offices abolished.

No person to officiate as district moonsif without the sanction of the provincial court, on the recommendation of the zillah judge.

VI. The zillah judges shall recommend to the provincial courts the persons whom they may deem fit for the office of district moonsif; but no person shall be authorized to officiate as a district moonsif without the previous sanction of the provincial court, nor unless he be of the Hindoo or Mahomedan persuasion.

Mode of proceeding for the removal of moonsifs from office.

VII. *First.*—Whenever a zillah judge shall see cause for the removal of a district moonsif, the judge shall report the circumstances of the case, with his opinion, to the provincial court, who will pass such order on the report as may appear to be proper.

Zillah judges in certain cases to suspend moonsifs from office;

Second.—Whenever a district moonsif may be guilty of exaction, or of any other gross act of misconduct, the judge is authorized to suspend him from his office, but he shall report the circumstances of the case without delay to the provincial court.

 Third.—In

Or to fine them as far as twenty rupees.

Third.—In other cases of misconduct and neglect of duty which may not be of a nature to require either the suspension or dismissal of a district moonsif from his office, the judge is authorized to impose on the moonsif a fine not exceeding twenty rupees in amount, and the order of the judge in such cases shall be final.

Moonsifs to be dismissed only by the provincial courts.

Fourth.—No district moonsif shall be removed from his office, unless the provincial court shall be satisfied that there is sufficient cause for his removal.

Moonsifs may be sued for corruption, and are liable to costs and damages.

VIII. *First.*—District moonsifs shall be liable to an action in the civil courts for corruption in the discharge of their trust, or for extortion, or for any oppresive or unwarranted act of authority; and upon proof of the charge to the satisfaction of the judge, he shall cause the offender to pay such damages and costs to the party injured as may appear to be equitable.

Moonsifs liable to criminal prosecutions and to fine and imprisonment.

Second.—District moonsifs shall also be liable to a criminal prosecution for extortion, or other acts of oppression committed by them in the discharge of their duty, and on conviction before the court of circuit, shall be subject to fine and imprisonment proportionate to the nature and circumstances of the case; but no moonsif shall be liable to be prosecuted for want of form or for error in his proceedings or judgments, nor shall any process be issued against a moonsif who may be charged with extortion or any oppressive or unwarranted act of authority, unless the judge shall be previously satisfied by sufficient evidence, that there is reason to believe the charge to be well founded.

Proceſs not to be iſſued without previous inquiry into the charge.

Diſtrict moonſifs to be furniſhed with a ſunnud; and to take and ſubſcribe an oath or ſolemn declaration.

IX. Every person who may in future be appointed to the office of district moonsif, shall be furnished by the judge with a sunnud drawn up according to the form No. 1. of the appendix to this Regulation; and previously to entering upon the duties of his office, he shall take and subscribe an oath according to the form prescribed in No. 2. of the appendix. The judge, however, is empowered, in all cases in which he may deem it expedient, to exempt such moonsif from taking the oath, and to cause him to subscribe a solemn declaration to the same effect.

Copy of the ſunnud to be affixed in their cutcherries.

X. Whenever a sunnud may be granted to a district moonsif under the preceding section, a copy of it under the official seal, and signature of the judge shall also be delivered to him, in order that it may remain permanently affixed in some conspicuous place in his cutcherry.

Amount of ſuits cognizable by diſtrict moonſifs.

XI. *First.*—The persons who may be invested with the powers of district moonsif under this regulation, are empowered to receive, try and determine all suits preferred to them against any native inhabitant of their respective jurisdictions, under the following limitations.

Second.—For land exempt from the payment of rent in money or in kind, either to Government or to any person representing Government, and receiving its dues, the annual produce of which land shall not exceed twenty arcot rupees.

Third.—For land subject to the payment of rent in money or in kind, either to Government or to any person representing Government, and receiving its dues, the annual produce of which land shall not exceed two hundred arcot rupees.

Fourth.—For houses, gardens or any real property not of the descriptions before mentioned, the value of which shall not exceed two hundred arcot rupees.

Fifth.—For sums of money or other personal property, the amount or value of which shall not exceed two hundred arcot rupees.

No ſuch ſuits to be entertained when the cauſe of action ſhall have ariſen twelve years before the commencement of the ſuit.

Exceptions to the rule.

Sixth.—Provided that in the cases specified in the preceding clauses of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question, and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period above mentioned to a competent authority, and in such case, that he assign satisfactory reasons to the moonsif why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Prohibited trying ſuits for damages of any nature without orders.

XII. *First.*—District moonsifs shall not receive or try any suit for damages on account of personal injuries, or for personal damages of any nature, without an order of reference to them from the zillah court.

Second.—District moonsifs are prohibited from hearing, trying or determining any suits in which they themselves or their relatives or dependants, or other persons employed in their cutcherries may be parties, or in which a British subject or an European foreigner or an American may be a party.

Also from trying suits in which certain persons may be parties.

Third.—District moonsifs are farther prohibited from allowing any party in a suit to plead before them in forma pauperis.

And from admitting persons to sue as paupers.

XIII. District moonsifs are themselves to investigate the suits cognizable by them in a public cutcherry or court room, and are not to allow their officers, servants or dependants, or any other person to interfere therein. In receiving, trying and determining suits, they shall be guided by the rules prescribed in this Regulation, and in points not expressly provided for in this Regulation, they shall observe as nearly as may be practicable the rules prescribed in the Regulations for the guidance of the zillah courts in the trial and decision of civil suits.

Suits to be tried by the moonsifs themselves, and under what rules.

XIV. *First.*—The zillah judges shall recal and cancel all sunnuds granted to vakeels under Section XVII, Regulation VII. of 1809.

Certain sunnuds to be recalled and cancelled.

Second.—Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant to plead before the district moonsif, on furnishing the person to be so employed with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act.

Vakeels to be relatives, servants or dependants of their employers.

To be furnished with vakalutnamahs; containing what.

Third.—District moonsifs shall not in any case permit any person to act as the vakeel of another, until such persons shall have exhibited in open court a vakalutnamah containing the information required by the preceding clause.

Vakeels not to act until their vakalutnamahs have been exhibited.

XV. District moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest in any case than the courts of adawlut are permitted to allow by Regulation XXXIV. of 1802.

Rate of interest to be allowed.

XVI. *First.*—The district moonsifs shall levy from the plaintiff in every suit which may be preferred to them in the first instance, a fee of one anna in the rupee on the amount or value of the property which constitutes the subject of dispute.

Fees to be levied on suits preferred to the district moonsifs.

Second.—They shall not receive any such suits until the prescribed fee shall have been paid.

No suit to be received until the fees be paid.

Third.—They shall endorse on the petition the amount of the fee and the date of the receipt, and sign the endorsement.

The payment to be endorsed on the petition.

XVII. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

What matters are to be stated in the plaint.

XVIII. It shall be the duty of the district moonsif to prevent the insertion in the plaint of any irrelevant matter. The plaint shall be signed and numbered and dated in the order in which it may be received by the moonsif; and the number of the suit, the names of the parties, the date on which the petition is received, the amount claimed, and the subject matter of the suit, the date and abstract of the decree, the date on which copies of the decree were furnished or tendered to the parties, and the amount of the institution fee, shall be entered in a book to be kept by the moonsif, according to the form No. 3. of the appendix. The zillah judge shall inspect these register books at least once a year, with a view to ascertain that depending suits are brought to a hearing according to their order on the file, and shall require the district moonsif to transmit them to the court for this purpose.

The insertion of irrelevant matter in the plaint to be restrained.

Plaint to be signed, numbered and dated.

A register book to be kept, what to contain; to be inspected yearly by the judge.

XIX. *First.*—When the complaint shall have been thus received and entered in the book, the district moonsif shall cause to be served on the defendant a written notice under his seal and signature, containing only the number of the suit, the names of the parties, and a short statement of the demand, and requiring the defendant to attend in person or by vakeel, and to deliver an answer to the plaint on or before a certain day which must be specified in the notice.

What notice to be served on the defendant.

Second.—The district moonsif shall deliver the notice to the plaintiff or to his vakeel, and the plaintiff may either himself serve the notice on the defendant or through any other person whom he may choose to employ for that purpose, provided however, that the name of the person intended to be employed in this duty be in all cases

To whom the notice is to be delivered.

cases endorsed on the notice by the district moonsif previously to its being delivered to the plaintiff or his vakeel for execution.

And how it is to be ſerved.

Third.—The person through whom this notice may be served, shall require from the defendant a written acknowledgment, to be endorsed on the back of the notice, signifying that it has been duly served upon him; and he shall further cause some of the defendant's neighbours, or other inhabitants to witness the due execution of the service, and he shall at all times state in his report the name or names of such witness or witnesses.

Under certain circumſtances, the cauſe to be tried exparte.

XX. If a defendant who may have been served with a notice shall not appear in person or by vakeel within the time specified, and the moonsif shall be satisfied by sufficient evidence that the notice was duly served, or if the defendant having appeared shall refuse to answer the plaint, the district moonsif shall proceed to try the cause exparte, and after examining the plaintiff's evidence in support of his claim, the district moonsif shall give judgment in the same manner as if the defendant had appeared and answered to the plaint.

The abſence of the defendant, or his refuſal to acknowledge the ſervice, how to be certified.

XXI. *First.*—In cases in which a defendant to whom a notice may have been issued, may abscond or conceal himself, or cannot after diligent search be found, or shall refuse to give the required written acknowledgment, the person entrusted with the execution of the process shall certify the same on the back of the notice, and shall require some person or persons, being neighbours of the defendant, to attest the same.

In ſuch caſes proclamation to be iſſued.

Second.—When a return to this effect is made, the district moonsif shall cause a proclamation, written in the current language and character of the country, to be affixed in a conspicuous part of his own cutcherry, and a copy of the same on the outer door of the defendant's usual place of residence, or some other conspicuous place near it; the proclamation shall contain a copy of the original notice, and shall state that if the defendant do not appear in person or by vakeel within the period of fifteen days from the date of the proclamation, the suit will be brought to a hearing and determined without the appearance or answer of the defendant.

What it ſhall contain.

If the defendant do not attend within the time limited in the proclamation, the ſuit is to be tried exparte.

Third.—If the defendant shall still not appear in person or by vakeel, the district moonsif, on the expiration of the period limited in the proclamation, shall proceed to try and determine the suit exparte, as is prescribed in Section XX. of this Regulation.

Moonſifs prohibited requiring ſecurity from defendants.

XXII. In suits depending before them, the district moonsifs are hereby strictly prohibited from requiring security of any kind from the defendants; if the moonsif shall be satisfied by sufficient proof that the defendant intends to abscond and to withdraw himself from the jurisdiction of the court, or that he means to dispose of the property in his possession for the purpose of avoiding the execution of an eventual judgment against him, the district moonsif is hereby empowered to attach the defendant's property to the amount of the claim, and to hold it in attachment till the decree is satisfied.

Empowered in certain caſes to attach their property to the amount of the claim.

Defendant to file an anſwer to the plaint any time before the plaintiff's evidence be received.

XXIII. When the defendant shall attend either in person or by vakeel within the period limited in the notice or proclamation, or at any subsequent period before the plaintiff's evidence or proofs shall have been received in the case, he shall be allowed to take a copy of the plaintiff's petition and to file his answer to the complaint.

Moonſifs to prevent the inſertion in the anſwer of irrelevant matter.

XXIV. It shall be the duty of the district moonsifs to restrain and discourage as much as possible, the insertion in the answer of any matter evidently irrelevant to the suit; but the defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

No further pleadings to be admitted.

Suits to be tried according to their order on the file.

XXV. The district moonsifs shall try all suits depending before them in the order in which they have been filed or numbered; provided however, that the zillah judge be at all times authorized, either upon a report from the moonsif or upon other grounds of information, to direct the moonsif to bring any particular suit or suits to a hearing and determination, without attending to the regular order of the file.

Proviſo.

Notice to be affixed in the cutcherry, if the parties are abſent on the day fixed for the trial.

XXVI. *First.*—In cases in which the answer shall have been filed, and the parties or either of them shall fail to appear in person or by vakeel at the time when the suit is first called over for trial, the district moonsif shall suspend the trial and shall affix

affix in some conspicuous place in his cutcherry, a notice that the suit will be again called over for trial after the expiration of a fixed period, not being less than ten days. If the plaintiff shall not appear before the district moonsif in person or by a vakeel duly authorized, within the limited time, the district moonsif shall dismiss his claim; if the defendant shall not so appear by the prescribed time, the district moonsif shall proceed to try the cause exparte.

Mode of proceeding if either party ſtill fail to attend.

Second.—Provided however, that if the suit be dismissed without an investigation of the merits, and either of the parties shall appeal from the decision of the moonsif, it shall be the duty of the court trying the appeal to determine the case on its merits, or to remand it back to the moonsif by whom it was dismissed, or to any other competent authority, for a further investigation.

Proviſo. For caſes which may be diſmiſſed without an inveſtigation of the merits.

XXVII. The district moonsifs are to try the suits depending before them by hearing the pleadings of the parties, by examining their documents, and by taking the deposition of their witnesses in the presence of the parties or of their vakeels duly constituted; or if either party agrees in writing to let the cause be settled by the oath of the other without appeal, the district moonsif shall give his decision according to such oath.

Rules for the trial of ſuits depending before the moonſifs.

XXVIII. *First.*—If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the moonsif, and such witnesses shall not attend at the requisition of the parties, the district moonsif is authorized to summon as witnesses any persons subject to his jurisdiction, excepting women whose rank or cast may be such as to render it improper to require their appearance in public; when the evidence of such women is necessary, it is to be taken in the mode prescribed in Clause fifth, Section XVI, Regulation IV, 1816.

Moonſifs authorized to ſummon witneſſes who may not attend on the requiſition of the parties. Exception.

Second.—The summons shall specify the number of the suit on the file, the name of the party at whose request it may be issued, and the names and residence of the witnesses; and shall require them to appear at the cutcherry of the district moonsif on a specific day, and there to depose concerning the matter in dispute between the parties.

What the ſummons ſhall contain.

Third.—The district moonsif shall deliver the summons to the party applying for it, or to his authorized vakeel, and such party or vakeel may either serve the summons himself or through any other person whom he may choose to employ for that purpose, provided however, that the name of the person intended to be employed in this duty be in all cases notified to the moonsif and endorsed on the summons previously to its being delivered to the party or his vakeel for execution.

Mode in which the ſummons ſhall be ſerved.

XXIX. *First.*—If any person upon whom a summons may have been duly served shall not attend on the day appointed, the moonsif is authorized to attach any property belonging to such person which may be found within his own jurisdiction. If after a reasonable time subsequent to such attachment the person summoned shall still omit or refuse to attend, and it shall satisfactorily appear by the oath of the party requiring his evidence, that the testimony of such person is material to the cause, the moonsif shall report the circumstances of the case to the zillah judge, who will exercise his discretion in issuing such farther process, in order to compel the appearance of the witness before the moonsif, as might be issued under the Regulations if the suit were depending before the judge.

The property of witneſſes who may not attend on being duly ſummoned, to be attached. Moonſifs how to proceed if they ſtill do not attend. Further proceſs to be uſed by the judge.

Second.—If notwithstanding this further process, the attendance of the witness cannot be obtained, the judge shall at his discretion impose on such witness a fine not exceeding in any case the value or amount of the property in dispute; such fine shall be realized by the moonsif under the provisions made for the execution of decrees by this Regulation.

If ſuch proceſs be inſufficient, witneſs to be fined. How to be levied.

Third.—In cases in which a witness duly summoned may attend before the moonsif, but shall refuse to give his evidence, or to subscribe his deposition, the moonsif shall impose such fine upon him as may appear proper; the district moonsif is, however, strictly prohibited from realizing such fine, if it exceed ten rupees, by his own authority, without first reporting the circumstances of the case to the zillah judge, who will either remit or modify, or confirm the fine imposed by the moonsif, who will proceed to realize it, if confirmed or modified, as is prescribed in the preceding clause.

Refuſing witneſs to be fined by the moonſif.

Witneſſes reſiding in other juriſdictions how to be ſummoned.

XXX. *First.*—If any district moonsif shall require the evidence of a person not subject to his jurisdiction, but who may reside in the same zillah, and such person shall not attend at the requisition of the parties, the moonsif shall make a written application to the moonsif within whose jurisdiction such person may reside, who will issue the necessary process for procuring his attendance.

Caſes in which evidence may be taken on written interrogatories.

Second.—If the residence of a witness shall be in another zillah, the moonsif is hereby authorized and required to transmit to the judge of his own zillah any written interrogatories which he may think necessary, or which may be suggested by the parties or their vakeels in the suit; on receipt of such written interrogatories, the judge will proceed to obtain the evidence of the witness in the mode prescribed in Section VII, Regulation III, 1802.

Witneſſes not to be detained longer than may be neceſſary.

Third.—The moonsifs are enjoined to take the depositions of witnesses attending before them with all due expedition, so that they may not be exposed to any vexatious delay or unnecessary detention from their respective homes and employments.

The evidence of witneſſes to be taken on oath;

or on a ſolemn declaration.

XXXI. The district moonsifs shall administer to witnesses such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. But if the witness shall be of a rank which, according to the prejudices of the country, would render it improper to compel him to take an oath, the moonsif may dispense with his being sworn, and in lieu thereof cause him to subscribe a solemn declaration under the rules prescribed in Section VII, Regulation III, 1802.

The declaration may be diſpenſed with by the conſent of the parties.

XXXII. The district moonsifs are at all times authorized to cause the examination of a witness to be taken on a solemn declaration, or even without such solemn declaration, whenever the parties in the suit, or their respective vakeels, may agree to such witness being so examined.

Depoſitions of witneſſes to be committed to writing, if the claim exceed twenty rupees.

XXXIII. *First.*—It shall be necessary to take the depositions of the witnesses in writing only where the claim shall exceed twenty rupees.

Queſtions irrelevant or ſuggeſting a particular anſwer, to be avoided.

Second.—In the examination of witnesses, the moonsifs are enjoined to prevent the parties and their vakeels from putting to them questions suggesting a particular answer, or on points evidently irrelevant to the matter in dispute.

What is to be contained in the depoſition of a witneſs, and how it is to be atteſted.

XXXIV. The deposition of every witness shall commence by specifying the name, the father's name (or if the deponent be a married woman, the name of her husband), the religion, cast, profession, age and place of residence of the deponent, and shall be subscribed by the witness with his or her name or mark.

Exhibits on ſuits before moonſifs not liable to fees.

No exhibits to be admitted which are not written on the preſcribed ſtampt paper or cadjan.

XXXV. *First.*—No fees shall be levied on exhibits filed before the district moonsifs, and exhibits shall be received in suits depending before them without any written application for that purpose. The moonsifs are prohibited from admitting or filing as an exhibit, or from receiving in evidence, any obligation, instrument, bond, deed or document, whether it be the original or a copy, of a description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulations.

Copies of Regulations in force regarding ſtampt paper or cadjans, to be furniſhed to the diſtrict moonſifs.

Second.—Copies of all Regulations in force regarding stampt paper and stampt cadjans, shall be furnished by the zillah judges to every district moonsif in their respective zillahs, for their guidance.

Exhibits to be dated, ſigned, marked and referred to in the proceedings.

Third.—When an exhibit is filed in a suit before the district moonsif, it shall be dated, and signed or sealed by him, and shall be marked with some letter or number, to identify it, and such letter or number shall be distinctly referred to in those parts of the depositions of the witnesses, or of the proceedings, or of the decree, which may allude to such exhibit.

The deciſion is to be paſſed after conſideration of the pleadings, exhibits and evidence.

XXXVI. When the parties have been heard and the exhibits received and considered, and the witnesses on both sides examined, the district moonsifs shall give judgment according to justice and right.

What ſhall be contained in the decree.

XXXVII. The decree shall specify the names of the parties and the names of the witnesses examined and the titles of the exhibits read; it shall also contain an abstract statement of the material facts alledged in the pleadings of both parties,

and the reasons on which the decision may be passed. It shall state specifically the amount or value of the matter adjudged, and the amount of the costs or damages payable by the parties respectively. If any claim shall appear to the district moonsif to be litigious and vexatious, he shall adjudge suitable costs and damages against the plaintiff, and insert the same, in the mode above directed, in the decree.

Costs and damages to be awarded in suits litigious or vexatious.

XXXVIII. *First.*—When the decision shall have been thus passed, the district moonsif shall cause two copies of it to be prepared, and after attesting them with his seal and signature, shall within one week after the date of the decree, tender the said copies in open cutcherry, both to the plaintiff and defendant, or to their vakeels respectively; he shall endorse on the said copies the date on which they may be tendered to the parties in open cutcherry, and if either or both of the parties shall fail to attend, or shall refuse to receive the copies so tendered, he shall certify the same on the back of the copies.

Two copies of the decree to be tendered to the parties; the date of the tender or the cause of the non-delivery to be certified by the moonsif on the back of the copies.

Second.—Any district moonsif who may be guilty of wilfully mis-stating or falsifying, or of causing to be mis-stated or falsified, the date and purport of the endorsement above directed to be written on the copies of the decrees, or of keeping back such copies of decrees from either of the parties, with the view of opposing a bar to their right of appeal, shall on proof thereof to the satisfaction of the provincial court, be liable to dismission from office, and to such discretionary fine to Government as may be deemed proper by that court.

Penalty for falsifying the date and purport of the endorsement, and for keeping back copies of the decrees from either of the parties.

XXXIX. The copies of decrees above directed to be tendered to the parties by the district moonsifs, shall not be written on stampt paper, nor are the plaint, answer, or any part of the proceedings of any suit before the district moonsif, required to be written on stampt paper.

Stampt paper not required in the proceedings in any suit before moonsifs.

XL. If a party, vakeel or witness, in any depending suit shall be guilty of disrespect to the district moonsif in open court, the moonsif is empowered to impose a fine not exceeding one rupee on the party, vakeel or witness so offending, and if the offender shall refuse or be unable to pay the fine, to commute such fine at his discretion for twenty-four hours confinement in the village choultry.

Moonsifs may fine parties, vakeels or witnesses, for disrespect, and in certain cases commute such fine.

XLI. *First.*—The district moonsifs shall transmit to the judge, on or before the 5th of each month, a report of all the suits decided by them in the preceding month, drawn up according to the annexed form No. 4. of the appendix. These reports shall be accompanied by all the original papers and documents in the case, that they may be deposited among the records of the court.

Monthly report of suits decided to be sent to the zillah judge.

Second.—The district moonsifs shall likewise transmit, on or before the 15th of January and 15th of July of each year, a report of the causes depending before them on the 1st of January and 1st of July, drawn out according to the annexed form No. 5. of the appendix.

Half-yearly reports of depending suits to be sent to the zillah judge.

Third.—The required monthly and half-yearly reports shall be enclosed in a cover addressed to the zillah judge, and sealed with the seal of the district moonsif; the packet shall be forwarded to the judge either by the public dawk (the officers of which are hereby required to receive and convey such packets free of postage) or by a servant of the moonsif, or the moonsif may deliver it to the nearest police officer, who shall give a receipt for it and convey it to the judge.

Both reports to be in a sealed cover.

The packet how to be forwarded.

XLII. The district moonsif shall have authority to carry his decrees into execution.

The district moonsif empowered to enforce his decrees.

XLIII. In suits for land of the description specified in Clause second, Section XI. of this Regulation, the annual produce of which shall not exceed two arcot rupees; in suits for land of the description specified in Clause third, Section XI. of this Regulation, the annual produce of which shall not exceed twenty arcot rupees; and in suits for real property not of the description above mentioned, and for sums of money or other personal property the amount or value of which shall not exceed twenty arcot rupees, the decision of a district moonsif shall be final.

Cases in which the district moonsif's decree shall be final.

XLIV. If the suit shall have been regularly appealed, the execution of the district moonsif's decree shall be suspended or otherwise, according to the orders he may receive from the zillah judge,

Mode of proceeding when an appeal may have been admitted.

XLV.—Whenever a party who may have obtained a decree in the court of a district moonsif, shall be desirous of having it enforced, he shall present a petition to

Mode of obtaining the execution of a decree passed by the district moonsif.

to the moonsif, either in person or through his vakeel; it shall state the number of the suit, the names of the parties, the date of the decision, and the total amount or value of the matter which may have been adjudged to the petitioner, either on account of the original claim or of costs of suit; the petition shall further state whether an appeal has or has not been admitted from the moonsif's decision.

The cases stated in which the moonsif is to enforce his decrees.

XLVI. In cases not appealable, and in cases appealable, but which have not been appealed, if the defendant shall not discharge the sum decreed against him within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or their vakeels, the district moonsif shall on the petition of the party in whose favour the decree has been passed, cause his decree to be executed; if it be for real property, by causing possession of the property to be delivered to the person to whom it may be decreed; if it be for personal property or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed, to be levied by the public sale by auction of a sufficient portion, or if requisite for the satisfaction of the decree, the whole of the lands, houses, and all effects either real or personal belonging to the party against whom the judgment may have been given, or by the attachment of his person, or when it may be necessary, both by the sale of his property and effects, and the attachment of his person.

Process to be observed.

Persons secured in satisfaction of decrees to be sent to the zillah judge.

XLVII. On the attachment of the person of any party in satisfaction of a decree, the district moonsif shall send him, within twenty-four hours from the time of such attachment, under proper charge, to the zillah judge, to be confined in the zillah jail; he shall as soon after as possible, send to the zillah judge a statement of the amount levied by the sale of his effects, and of the balance still due by him.

Fifteen days notice to be given of sales of property attached in satisfaction of decrees.

XLVIII. *First.*—In cases where a district moonsif shall attach property in satisfaction of a decree, he shall notify the day fixed for the sale by auction of such property, by a written notice to be affixed fifteen days previously to the day of sale at his cutcherry, and at some conspicuous place in the village where the property under attachment may be situated.

Registers of such sales to be kept by the district moonsif.

Second.—The district moonsifs shall keep registers of all sales by auction in satisfaction of decrees; the registers shall specify the day of sale, the particulars of property sold, its amount, and the name and residence of the purchaser.

Resistance to such sales liable to be punished as a breach of the peace.

XLIX. Resistance to the sale or transfer of property attached in execution of a decree passed by a district moonsif, shall be considered a breach of the peace, and shall be liable to be punished as such.

The district moonsif to receive a fee on sales.

L. The district moonsifs shall be entitled to receive a commission of one anna in each rupee on the proceeds of sales in satisfaction of decrees passed by them, and likewise on the proceeds of all sales which may be made in carrying into execution the decrees of village punchayets under the provisions of Clause second, Section XVI, Regulation V, 1816.

Fines how to be realized.

LI. The district moonsifs shall be authorized to realize the amount of fines which may be imposed by them, by the attachment and sale, if necessary, of the property of the offending party.

To be sent monthly to the judge.

LII. The district moonsif, on or before the fifth of each month, shall transmit to the zillah judge all fines which he may have levied or which he may have received from the village moonsifs during the preceding month, accompanied by separate lists, stating the names and situations of the parties from whom such fines have been levied, and the reasons for which the fines were imposed.

Mode of admitting appeals from decisions of district moonsif.

LIII. *First.*—In appealable suits, any person dissatisfied with the decision of a district moonsif, shall be at liberty to appeal from it to the zillah judge, provided the petition of appeal be on the prescribed stampt paper, and presented with the institution fee thereon, within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels, in conformity with Section XXXVIII. of this Regulation; a discretionary power however, is vested in the judge, of admitting appeals from decisions of the district moonsifs, although the petitions may not be presented within the prescribed period, if the appellant shall shew satisfactory cause for not having before presented the petition.

Petitions of appeal to be presented to the zillah judge.

Second.—All petitions of appeal from decisions of the district moonsifs, are to be presented to the judge of the zillah in which the moonsifs may officiate, and the

the moonsifs are prohibited from receiving any petitions of appeal from their own decisions.

Third.—All petitions of appeal from decisions of district moonsifs are to be presented by the appellant in person, or by one of the authorized vakeels of the zillah court; and if the appeal shall be admitted, and the appellant and the respondent shall not plead their cause in person, their respective vakeels are to be allowed the same fees as in other suits tried before the judge.

How such petitions are to be presented.

Fourth.—Decisions of the district moonsifs are not to be set aside for want of form or for irregularity in their proceedings, but on the merits only.

Decisions of moonsifs not to be set aside for want of form.

Fifth.—When an appeal may be received from the decision of a district moonsif, the zillah judge is empowered to suspend the execution of the decree, provided the party appealing against it shall give good and sufficient security within a reasonable period, to be fixed by the judge, to perform the decree of the court.

In what cases the judge may suspend the execution of the decrees by moonsifs from which an appeal may be admitted.

Sixth.—The decisions of zillah judges on appeals from decrees passed by district moonsifs, shall be final.

His decision thereon final.

LIV. The zillah judges may for any reason that may appear to them sufficient, bring up for trial before them or their registers, or the sudder ameens, any causes that may be depending before the district moonsifs.

Suits depending before moonsifs may be tried by the judge or referred for trial to other tribunals.

LV. Upon the death, removal or resignation of any district moonsif, the zillah judge shall, if necessary, immediately nominate another person in his room for the approbation of the provincial court, and shall cause all papers in the causes depending before the late moonsif to be delivered over to his successor, or otherwise to be disposed of, as circumstances may require.

When a vacancy may occur in the office of moonsif, the judge to nominate a successor.

LVI. *First.*—The zillah judges may refer any plaint received by them for trial and decision to any district moonsif within their respective zillahs, whether for real or personal property of the value or amount specified in Section XI. of this Regulation.

Zillah judges may refer suits of an amount stated for decision to the district moonsif.

Second.—In the trial of such suits, the district moonsifs shall be guided by the rules prescribed in this Regulation for their conduct in original suits cognizable by them as district moonsifs.

Rules to be observed in the trial.

LVII. *First.*—The district moonsif is authorized to hear and determine as arbitrator, all suits which may be voluntarily referred to him by both parties, whether for real or personal property, of the value or amount specified in Section XI. of this Regulation.

District moonsif may hear and determine all suits referred by both parties.
To what amount.

Second.—In suits referred to district moonsifs under the preceding clause, an institution fee of one anna per rupee on the amount or value of the property in dispute, shall be levied from the plaintiff, and the district moonsif is prohibited from receiving the suit until the fee has been paid.

Institution fee to be levied in such suits.

Third.—The district moonsif, in cases referred to him under the preceding clauses, shall take from the parties a bond, agreeing to abide by his decision; such bond shall be executed in his presence and be attested by two credible witnesses.

Bond to be taken from the parties.

Fourth.—The district moonsif, in hearing and determining the suits above specified, shall be guided by the same rules as have been prescribed for his conduct in trying suits preferred to him under Section XI. of this Regulation, so far as those rules may be found applicable.

District moonsif by what rules to be guided in hearing and determining the suits above specified.

LVIII. No appeal shall be permitted from decisions passed by district moonsifs under the preceding section; but if a district moonsif shall be guilty of corruption or gross partiality, it shall be at the option of either party to bring the matter, by petition on the prescribed stampt paper, under the notice of the judge of the zillah, who, provided the petition be presented within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their respective vakeels, and provided the partiality or corruption charged against the moonsif be established to his satisfaction by the oaths of two credible witnesses, shall annul the decree, and the parties shall be at liberty to have recourse to another moonsif or to any competent jurisdiction.

No appeals open from decisions on such suits, except in cases of partiality or corruption.

Decree to be annulled on proof of corruption or partiality.

The inſtitution fee in ſuits to be paid to the moonſifs.

On deciſions on the merits and razeenamahs.

Salary alſo to be allowed.

LIX. *First.*—As a compensation to the district moonsifs for their trouble and for the expense of such establishment as may be necessary for the discharge of their official duties, on their passing a decision upon the merits of any suit before them, or upon any suit depending before them being adjusted by razeenamahs of the parties, and in these two cases only, they shall receive from the zillah judge the fee of one anna per rupee paid on the institution of such suit.—The Governor in Council will further sanction such salary in addition thereto, as may appear requisite for the encouragement of well qualified persons to hold the office of district moonsif, and to perform the duties of it with diligence and fidelity.

The inſtitution fees received to be ſent monthly to the judge with a ſtatement thereof.

Credit to be given for the ſame, and payment to be made on inſpection of the monthly reports, without delay.

Second.—The district moonsifs shall from the month succeeding the receipt of this Regulation, transmit to the zillah judge, along with the monthly reports required by this Regulation, an exact monthly statement of all sums levied and received by them on account of the institution fee upon all suits instituted before them, and shall at the same time remit the amount of the fees so received by them in the preceding month; the zillah judges shall credit in their public accounts the whole of the institution fees so remitted to them, and shall without delay pay to the district moonsifs the amount of the institution fee authorized by the preceding clause.

Moonſifs may be employed in giving poſſeſſion of real property under decrees.

How to be remunerated in ſuch caſes.

LX. *First.*—The zillah judges are authorized to employ the district moonsifs in delivering over formal possession of lands, houses or other real property, in conformity with decrees regular or summary.

Second.—Previously to issuing any instructions to a district moonsif for the performance of any of the duties described in this section, the judges shall require either the plaintiff or the defendant, according to the circumstances of the case, to pay into court such a sum of money as may be an adequate remuneration to the district moonsif for his trouble, provided such sum do not exceed the probable expense which would be incurred if an ameen or a native officer of the court were employed in the execution of the same duty.

Such remuneration to be forfeited if guilty of miſconduct in ſuch duty.

Third.—The district moonsif shall be entitled to receive such sum as may have been paid into court under the preceding clause, except under circumstances in which he may appear to have performed the duty entrusted to him in a negligent, unjust or improper manner; in such cases the said sum of money shall be returned to the party who deposited it in court.

Moonſifs may be employed to ſell perſonal or real property, and to receive a commiſſion on ſuch ſales.

LXI. The district moonsifs may be employed at the discretion of the zillah judges in the attachment and sale of personal or real property, for the purpose of realizing the amount of fines imposed by the judge, register or sudder ameens, or of decrees, regular or summary, passed by the zillah judge, register, sudder ameens, or village and district punchayets, and shall be entitled to receive a commission of one anna in each rupee on the proceeds of such sales.

By what laws the deciſions of moonſifs are to be regulated.

Expoſition of the law how to be obtained.

LXII. *First.*—In all cases of inheritance of, or succession to landed property, the mahomedan laws with respect to Mahomedans, and the hindoo laws with regard to Hindoos, are to regulate the decisions of the district moonsifs, and the district moonsifs in all such cases are to obtain an exposition of the law from the law officers of the zillah court, to whom they are to transmit a written abstract of the case for the purpose; such exposition however, is not to preclude a further reference to the law officers of the zillah courts upon such points of law as may arise upon the cause, in the event of its being tried in appeal.

Notification to be iſſued in ſuits relative to the inheritance of or ſucceſſion to landed property;

and all claimants to be included in the deciſion.

Second.—In all suits relative to the inheritance of, or succession to landed property, the district moonsifs are to affix in some conspicuous part of their cutcherries, a written notification of the claim preferred, with a requisition to all persons who may have any claim to the property sued for, to prefer the same within a limited period; and their decisions are to include all claimants to the property in question, who according to the law of the parties, whether Mussulmans or Hindoos, have a just and legal title to share therein.

APPENDIX.

No. 1.

FORM of sunnud to be granted to persons appointed to the office of district moonsif.

" I, *A. B.*, judge of the zillah of do hereby appoint you, *C. D.* to the office of district moonsif of you are to hold your cutcherry at and are to affix this sunnud or a copy of it, duly authenticated, in some conspicuous place in the cutcherry; under the rules now in force, you will receive the remuneration to which you may be entitled for the trial and decision of suits. You shall not receive any valuable consideration from any parties or other persons on account of the institution or trial, the proceedings, process or decision of any suit before you, except the institution fee. You are to hear and determine all suits cognizable by you, and to execute all other duties entrusted to you, in your capacity of district moonsif, in strict conformity with the rules prescribed in the Regulations now in force, or which may hereafter be enacted.

No. 2.

FORM of oath to be administered to persons appointed to the office of district moonsif.

I, *A. B.* appointed to the office of district moonsif of do solemnly swear, that in the trial and determination of all suits which may come under my cognizance, and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour or affection; that I will not directly or indirectly receive, or knowingly allow any other person to receive any money, effects or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will in all respects truly and faithfully execute the trust reposed in me.

No. 3.

FORM of a register book of suits instituted before the moonsif of

Number of the suit.	Date of it's institution or reference.	Names of the parties.	Amount and subject of the claim.	Date and abstract of the decree.	Date on which copies of the decree were furnished or tendered to the parties.	Amount of institution fee.
1.	2d of January 181 .	Ramasawmy *vs.* Narasinmaloo.	Debt on bond, 37 rupees.	20th March 181 , decreed in favour of the plaintiff 33 rupees principal and interest. Defendant to pay costs 3 rupees 6 annas: Total, 36 rupees 6 annas.	24th March 181 ,—one copy furnished to the plaintiff himself and another to the vakeel of the defendant.	2 rups. 5 annas.
2.	2d of February	Mohommed *vs.* Narrain.	Debt of 7 rupees, for value of rice furnished to defendant.	Adjusted by razeenamah 10th February.	- - -	7 annas.
3.	3d of March.	Narsojee *vs.* Poorunsing.	Arrears of rent, 144 rupees.	April 1st, decreed 77 rupees, parties to pay their own costs.	April 7, plaintiff absent. Copy of the decree furnished to the defendant.	9 rups.

No. 4.

FORM of report of causes decided by the moonsif of in the month of

No.	Names of the parties.	Substance of the suits.	Date when preferred.	Date of the reference.	Date of arbitration bond.	Date and abstract of the decree.	Amount of institution fee.
1.	Verasawmy *vs.* Ramasawmy.	150 rupees, claimed on bond.	1st.	- - -	- - -	15th March. Decreed 100 rupees, with 9 rupees 6 annas costs.	9 rupees and 6 annas.
2.	Numjapah *vs.* Lutchmenrow.	200 rupees, value of paddy.	- - -	2d.	- - -	20th March. Decreed 190 rupees, with 12 rupees 8 annas costs.	12 rupees and 8 annas.
3.	Vencatarow *vs.* Abaujeerow.	Land, paying revenue to Government of 160 rupees, annual produce.	- - -	- - -	14th.	27th March. Decreed the land to plaintiff, with 10 rupees costs.	10 rupees,
4.	Davony *vs.* Ammoo.	Land, exempt from paying revenue to Government, 15 rupees, annual produce.	- - -	4th.	- - -	30th March. Plaintiff files a razeenamah.	9 rupees 6 annas.

Decreed - - - - - - - 3
Settled by razeenamah - - 1

Total - - - 4

No. 5.

FORM of half-yearly report of causes depending before the moonsif of on the

	Names of the parties.	Substance of the suits.	Date when preferred.	Date of reference.	Date of arbitration bond.
1.	Nullapah, *vs.* Vadgery.	Land exempt from paying revenue to Government, of 10 rupees annual produce.	3d January.		
2.	Mohommed *vs.* Narrasojie.	150 rupees, balance of accounts.	- - - -	5th February.	
3.	Caumachy *vs.* Nullamootoo.	185 rupees, value of silver ornaments.	- - - -	- - - -	7th April.
4.	Ramah *vs.* Kistnah.	18 rupees, value of a bullock sold.	10th March.		

A. D. 1816. REGULATION VII.

A REGULATION for authorizing district moonsifs to assemble district punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such district punchayets:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

IT deing desirable, with a view to diminish the expense of litigation, and to render the principal and more intelligent inhabitants useful and respectable by employing them in administering justice to their neighbours, that civil suits between the native inhabitants of the territories subject to the Presidency of Fort St. George, should be referred for adjudication to assemblies denominated punchayets, and that for the purpose of facilitating such reference, the district moonsifs should be authorized to summon a punchayet on the application of both parties in a suit, and to refer such suit to be heard, tried and determined by such punchayet; and it being deemed expedient to protect members of district punchayets from being called to account for their conduct in the performance of these duties, except on charges of corruption; the Governor in Council has enacted the following rules. Preamble.

II. *First.*—District moonsifs are hereby declared to be authorized to summon punchayets within their respective jurisdictions for the decision of suits for real and personal property, without limitation as to amount or value, in the two following cases. District moonsifs authorized to summon punchayets within their respective jurisdictions for the decision of suits for real and personal property of any amount or value.

Second.—In suits where both plaintiff and defendant may jointly agree that the matter at issue shall be determined by a district punchayet without appeal, and may prefer a request in writing to the district moonsif to summon a punchayet, whether he be the moonsif of the district in which the parties reside, or of any other district; or where one party having preferred a request in writing to the district moonsif to summon a punchayet, the other party being an inhabitant of the same district, on being summoned by the district moonsif, shall attend and voluntarily give his assent in writing to the district moonsif, agreeing to that mode of trial. Proviso.

Third.—Provided however, that in the cases specified in the preceding clause of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period above mentioned to a competent authority, and in such case, that he assign satisfactory reasons to the punchayet why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress. No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit. Exception to the rule.

III. *First.*—The district punchayet shall always consist of an odd number, never less than five nor more than eleven, and the majority shall decide; the district punchayet shall sit at the station where the district moonsif's court is held. Punchayet to consist of an odd number; majority to decide. Where to sit.

Second.—The district punchayet shall be composed of the most respectable inhabitants of the district, who shall be called upon to serve in rotation; and any native inhabitant refusing to serve on a district punchayet, shall be liable to be fined at the discretion of the district moonsif in a sum not exceeding ten arcot rupees, which shall be levied if necessary by the district moonsif under the provisions of Section LI, Regulation VI, 1816. Of whom to be composed. Refusing inhabitant liable to fine. How to be levied.

Third.—Any respectable inhabitant of a neighbouring district may be placed on a district punchayet, if he be willing to undertake the duty. Inhabitant of a neighbouring district may be placed on a punchayet.

Fourth.—When the parties in suits are of different casts or professions, the district moonsif shall in all practicable cases, name an equal number of persons of the When the parties are of different casts, how the punchayet is to be formed.

cast or profession to which each party may belong, to compose a part of the district punchayet, and shall complete the punchayet by the selection of a person or persons belonging to a cast or profession different from that of both the parties.

Challenged members to be withdrawn.

Fifth.—If either party shall object to any one or more of the members nominated to compose the district punchayet; and the district moonsif shall consider such objections to be well grounded, he shall withdraw the members objected to and appoint others to serve in their stead.

When the parties consent, each to name two members and the moonsif one; in other cases the moonsif is to name the whole punchayet. Parties naming two each, to be avoided if possible.

Sixth.—When the parties may desire it, they shall each name two members, and the district moonsif shall name another person who may be unobjected to by the parties, to form the punchayet; but on all other occasions the whole shall be nominated by the district moonsif; the practice of the parties naming two members each, shall never be allowed when it can be avoided.

How the punchayet is to proceed.

IV. *First.*—The district punchayet being formed as prescribed in the foregoing section, shall be assembled by the written summons of the district moonsif, and shall proceed to investigate the matter referred to them in conformity to the following rules.

An agreement to be taken from the parties to abide by the decision of the punchayet.

Second.—The district punchayet shall commence their proceedings by requiring from the parties an agreement in writing to abide by the decision of such punchayet, whose names shall be inserted in the agreement, which shall be witnessed by the district moonsif and any two respectable inhabitants, and dated on the same day.

Vakeels to be relatives, servants or dependants of the parties employing them.
To be furnished with vakalutnamahs.

Third.—Vakeels for plaintiffs and defendants shall be admitted to plead before district punchayets, provided that every person so appearing as a vakeel be a relative, servant or dependant of the person by whom he may be employed, and provided he be furnished with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act; and such vakalutnamah, shall be exhibited by the vakeel before he be permitted to do any act in the suit.

Plaint to be received in presence of the parties or their vakeels.
What it is to contain.

Fourth.—The parties being present in person or by vakeel, the district punchayet shall receive the written plaint of the complainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the value or amount of real or personal property claimed, and all material circumstances which may elucidate the transaction.

Plaint to be read to the defendant.
Answer to be required.

Fifth.—The plaint shall be read to the defendant or his vakeel, and the defendant or his vakeel shall be required by the punchayet to give in his answer, either immediately, if he shall be prepared to deliver it, or on a day to be fixed, which shall not be later than one week from the reading of the plaint.

Answer to state every thing regarding the case; no further pleadings to be admitted.

Sixth.—The defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Exhibits and lists of witnesses to be then received, and a day to be fixed for the trial.

Seventh.—The district punchayet, after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses, and shall fix an early day for the trial, with reference to the convenience of the parties and witnesses respectively.

Lists of witnesses and the day fixed for trial to be communicated to the district moonsif.
How he is to proceed.

Eighth.—The district punchayet shall immediately communicate the lists of witnesses and the day fixed for the trial, to the district moonsif, who shall require the witnesses to be in attendance on that day.

How the depositions of witnesses are to be taken.
In what cases to be committed to writing.

Ninth.—The parties and witnesses being in attendance on the prescribed day, the district punchayet shall proceed to take the depositions of the witnesses, in the manner usual in the cast to which they may respectively belong, on separate papers or cadjan leaves, in all cases in which the matter at issue may exceed the value or amount of one hundred arcot rupees; the deposition shall be read over to the witness, who shall then subscribe the deposition with his or her name or mark.

In other cases the punchayet to use its discretion.

Tenth.—In cases in which the matter at issue may be of smaller amount or value than one hundred arcot rupees, it shall be discretionary with the district punchayet to take the depositions of the witnesses in writing or not.

The punchayet authorized to cause an oath to be administered to witnesses when necessary.

Eleventh.—The district punchayets are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary.

Twelfth.—The

Twelfth.—The district punchayets shall not put a question to any witness suggesting a particular answer, and shall previous to the examination of a witness, inform him that they have authority to cause an oath to be administered to him when they may think he is not giving his evidence correctly, which authority the district punchayets shall exercise at their discretion.

Queſtions ſuggeſting a particular anſwer not to be put.

Oaths to be adminiſtered to witneſſes at the diſcretion of the punchayet.

Thirteenth.—If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the district punchayet shall suspend the trial and report it to the district moonsif, who shall cause to be affixed in some conspicuous place of the village wherein the defaulting party may reside, a notice specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice.

Trial to be ſuſpended on the non-appearance of the parties or either of them.

To be reported to the diſtrict moonſif.

Notice to be fixed what containing.

Fourteenth.—If the plaintiff shall not appear at the time fixed in the notice, the district punchayet shall dismiss his suit, and award him to pay all the expenses which may have been incurred by the defendant and by the witnesses of both parties in their attendance on the punchayet; and the sum so awarded shall be recovered from the property of the defaulting plaintiff in the mode prescribed in Section XLVI, Regulation VI, 1816, unless he shall immediately pay the amount.

Suit to be diſmiſſed on the non-appearance of the plantiff

Fifteenth.—If the defendant shall refuse to answer the plaint or shall not attend at the time fixed in the notice, the district punchayet shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

Cauſe to be tried ex-parte on the defendant's refuſal to anſwer the plaint, or non-appearance.

V. In cases where a witness shall neglect to attend, or attending shall refuse to give his testimony, or shall be otherwise guilty of disrespect to the district punchayet, as also when the evidence of a person is required who resides beyond the jurisdiction of the district moonsif, as also in the cases of persons whose testimony may be required, but whose rank or cast may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the district punchayet, the punchayet shall report the circumstances to the district moonsif, who is hereby authorized and directed, on receiving such reports, to take the same measures for procuring the attendance or testimony of the witnesses, or for punishing the contempts, as he would have taken under Sections XXVIII, XXIX, XXX, and XL, Regulation VI, 1816, if the circumstances represented had occurred before himself.

What circumſtances to be reported to the diſtrict moonſif.

How he is to proceed.

VI. When both parties have heen heard and the whole of the evidence has been gone through, the district punchayet shall order the parties and witnesses to withdraw, and shall write their decree according to justice and right.

When the decree to be written.

VII. The decree of the district punchayet shall contain the names of the parties, and the names of the witnesses examined, and the titles of the exhibits read; it shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed, it shall specify the value or amount of the personal property and the value of the annual produce of the real property adjudged; the decree shall bear the signature or mark of the members of the punchayet, and shall be dated on the day on which it is passed. If any claim shall appear to the district punchayet to be evidently litigious and vexatious, they shall adjudge suitable costs and damages against the plaintiff, payable to the defendant, and insert the same in their decree.

What the decree is to contain.

VIII. Two copies of the decree shall be prepared by the district punchayet, and shall be put under a sealed cover and delivered to the district moonsif, who shall require the parties together with the punchayet to assemble immediately, or at a convenient day, not being later than three days from his receipt of the decree; the district moonsif shall open the seal in presence of the parties, and shall endorse on each copy of the decree, the date of the delivery thereof, which shall be attested by his signature and the signatures of any two members of the punchayet; the district moonsif shall then cause the punchayet to deliver to each party in his presence a copy of the decree; but no communication shall be made to the district moonsif, or to either party, of the nature of the decree previously to its delivery.

Copy of the decree to be delivered to each party.

Date of the delivery to be endorſed by the moonſif.

How to be atteſted.

Previous to the delivery, no communication of the nature of the decree to be made.

IX. If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the district moonsif shall endorse on the copy intended for such party, such omission or refusal, and noting the date, shall attest the same with his signature, which shall

Non-appearance or refuſal to receive a copy, to be endorſed on it;

and copy ſo endorſed to be depoſited with the diſtrict moonſif.

be witnessed by any two members of the punchayet; the copy so endorsed shall be deposited with the district moonsif, to be delivered to the party afterwards claiming it.

Proceedings of the punchayet to be written by one or more of the members. Stamp paper not neceſſary.

X. The proceedings of the district punchayet shall be written by one or more of the members, and no stamp paper need be used in the plaint, answer, or any process.

No appeal allowed from the decrees of punchayets. In caſes of partiality how the party is to proceed.

XI. *First.*—No appeal shall be permitted from decisions passed by district punchayets under this Regulation; but if the district punchayet shall be guilty of gross partiality, it shall be at the option of either party to bring the matter, by petition upon stampt paper of the prescribed rate according to the amount of the suit, before the judge of the zillah.

Petition only to be received, if preſented within the period limited.

Second.—The petition shall not be received unless it be presented, with the decree complained of, within thirty days after the date on which copies of the decree may have been furnished or tendered to the parties or to their vakeels.

When received, execution of the decree to be ſtayed.

Third.—If the petition be received, the judge shall order the execution of the decree to be stayed pending the inquiry.

Decree to be annulled by the provincial court, on proof of partiality to their ſatisfaction.

Fourth.—If the partiality charged against the punchayet shall be established to the satisfaction of the judge by the oaths of two credible witnesses at the least, he shall in every case, whatever the amount of value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal, who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet or to any other competent jurisdiction,

Deciſion of a ſecond punchayet agreeing with that of a former punchayet in the ſame ſuit, to be final.

Fifth.—Provided however, that where the decision of a second punchayet shall agree with the decision of a former punchayet in the same suit, it shall be final.

Petitions to the judge. By whom to be preſented. Fee payable to the vakeel preſenting them.

Sixth.—Petitions to the judge of the zillah under this section shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and the parties shall not be subjected to any other charge whatever.

Diſtrict moonſif not to receive or refer to punchayets any ſuits for damages. Exception.

XII. The district moonsifs shall not receive or refer to a punchayet for trial, any suit for damages on account of personal injuries, or for personal damages of whatever nature, without an order of reference to him from the zillah judge.

Rate of intereſt to be allowed.

XIII. District punchayets shall not allow in their decrees a larger rate of interest than district moonsifs are authorized to allow under Section XV, Regulation VI, 1816.

By what rules to be guided in caſes of inheritance of, or ſucceſſion to landed property.

XIV. In all cases of inheritance of, or succession to landed property, district punchayets shall be guided by the rules prescribed in Section LXII, Regulation VI, 1816.

As alſo with reſpect to the admiſſion of obligations, deeds and documents.

XV. In respect to the admission of obligations, deeds and documents, the district punchayets shall be guided by the rules prescribed in Section XXXV, Regulation VI, 1816.

Diſtrict moonſifs to carry into execution the decrees of diſtrict punchayets. Proviſo.

XVI. *First.*—Decrees of district punchayets, in cases referred to them under this Regulation, shall be carried into execution by the district moonsif under the rules prescribed in Sections XLVI, XLVII, XLVIII, XLIX. and L., Regulation VI, 1816; provided first, that if the suit be for land of the description specified in Clause second, Section XI, Regulation VI, 1816, the annual produce of such land shall not exceed the sum of twenty arcot rupees; secondly, that if the suit be for land of the description specified in Clause third, Section XI, Regulation VI, 1816, the annual produce of such land shall not exceed two hundred arcot rupees; and thirdly, that if the suit be for real property not of the description above mentioned, or for sums of money or other personal property, the value or amount of such property shall not exceed two hundred arcot rupees.

In all other caſes the decrees of diſtrict punchayets to be carried into execution by the zillah judge.

Second.—In all other cases the decisions of district punchayets shall be carried into execution by the zillah judge, in the mode prescribed by the Regulations.

XVII. Petitions

XVII. Petitions to the judge of the zillah praying execution of the decisions of district punchayets, shall be written upon stampt paper of the prescribed rate, according to the amount decreed, and shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and such application shall not be subjected to any other charge whatever.

Petitions to the judge praying execution of the decrees of diſtrict punchayets, to be written on ſtampt paper.
Fee to the vakeel preſenting the petition.

XVIII. *First.*—Any member or members of district punchayets shall be liable to prosecution in the zillah court, for corruption in the discharge of their trust, by either party in a suit which may have been referred to such punchayet, and upon proof of the charge to the satisfaction of the zillah judge, he shall adjudge the offender or offenders to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; but members of district punchayets shall not be liable to be prosecuted for want of form, or for error in their proceedings or judgment; nor shall any process whatever be issued against a member or members of a district punchayet, unless the judge shall be previously satisfied by sufficient evidence that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act of corruption complained of.

Membersof punchayets liable to proſecution for corruption.
Puniſhment on conviction.
Not liable to proſecution for errors or for want of form.
Proviſo under which proceſs is to be iſſued on a charge of corruption.

Second.—The zillah judge shall further fine the party by whom, or for whom, the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which any member or members of such district punchayet may be proved to have so corruptly received.

The party by whom or for whom the corruption is practiſed, to be fined.

Third.—If the corruption charged against any member or members of such district punchayet, shall not be proved to the satisfaction of the zillah judge, he shall award full costs and such damages to the member or members complained against as may appear to him to be equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

If the corruption be not proved, the accuſed to have damages and coſts awarded to him, and the party making the groundleſs charge to be fined.

XIX. *First.*—In suits preferred to district moonsifs for reference to district punchayets under the provisions of this Regulation, district moonsifs are hereby authorized and directed to levy from the plaintiff an institution fee according to the following rates, viz.

Rates of inſtitution fee to be levied in certain ſuits.

1. On amount or value not exceeding one hundred arcot rupees, one rupee.

2. On amount or value above one hundred, but not exceeding two hundred arcot rupees, two rupees.

3. On amount or value above two hundred, but not exceeding three hundred arcot rupees, three rupees; and so on progressively, whatever the amount or value may be.

Second.—In suits for land of the description specified in Clause second, Section XI, Regulation VI, 1816, the institution fee shall be calculated on ten times the computed annual produce.

Third.—In suits for land of the description specified in Clause third, Section XI, Regulation VI, 1816, the institution fee shall be calculated on the estimated annual produce of such land.

Fourth.—The amount of the fees directed to be levied under the preceding clauses, shall be considered as forming a part of the costs to be paid by the party against whom the decree may be given.

The amount of fees ſo directed to be levied to form part of the coſts payable by the party caſt.

XX. *First.*—Every witness attending to give evidence before a district punchayet shall be entitled to receive batta at a rate not less than one, nor more than four annas of a rupee per diem, from the date of his departure from his village to the day of his return; the rate of such batta to be determined by the district moonsif with reference to his situation in life.

Witneſſes entitled to receive batta.
In what period to be received.
Rate to be determined by the diſtrict moonſif.

Second.—The batta to witnesses shall be paid daily, under the orders of the district moonsif, by the party on whose behalf they may respectively be summoned.

Batta to witneſſes to be paid daily.
By whom.

The batta to witneſſes to be paid by the party caſt.

Third.—The district moonsif shall levy from the party cast, and pay to the party in whose favour the decree may be given, the amount of batta which under this section he may have paid to the witnesses summoned on his behalf.

The amount of batta and inſtitution fee to be ſpecified on the back of the decree by the moonſif.

Fourth.—The amount of the batta to witnesses, together with the amount of the fee paid on the institution of the suit, shall be specified by the district moonsif on the back of the decree.

What reports, and how drawn up, are to be tranſmitted to the judge.
At what periods.

XXI. Reports of causes tried by and depending before district punchayets, drawn up according to the forms No. 1. and 2. of the appendix of this Regulation, shall be transmitted by the district moonsifs to the zillah judge, at the periods and in the manner specified in Section XLI, Regulation VI, 1816.

Inſtitution fees to be tranſmitted to the judge.
How to be appropriated.

XXII. The fees to be levied under Section XIX. of this Regulation, shall be transmitted to the zillah judge, to be appropriated as a compensation to the district moonsifs, under the restrictions specified in Section LIX, Regulation VI, 1816.

APPENDIX.

FORM No. 1.

REPORT of causes decided by punchayet in the district of in the month of

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Date and abstract of the decree.	Amount of institution fee.
1.	Veerasawmy *vs.* Gopaliah.	199 rupees on bond.	1st.	10th March 181 . Decreed 199 rupees, with 6 rupees costs.	2 rupees.
2.	Abdullah *vs.* Shaik Hosain.	700 rupees, value of a house.	5th.	12th March 181 . Dismissed, claim not proved, with 7 rupees costs.	7 rupees.
3.	Kistna Row *vs.* Vencatasah.	10 merasee shares of land paying revenue, of 100 rupees annual produce.	12th.	20th March 181. Decreed 5 merasee shares.	1 rupee.
4.	Sashiah *vs.* Nursing Row.	Land exempt from rent, of 100 rupees annual produce.	17th.	26th March 181 . Dismissed with 13 rupees costs, plaintiff filing a razeenamah.	10 rupees.

FORM No. 2.

REPORT of causes before punchayet in the district of remaining undecided on the

No.	Names of the parties.	Substance of the suit.	Date when preferred.
1.	Abdullah *vs.* Sied Mahomed.	180 rupees, rent of mango trees.	3d.
2.	Nullapah *vs.* Tremullay.	800 rupees, value of a house.	4th.
3.	Ballaju Row *vs.* Vencata Row.	Balance of accounts, 1,450 rupees.	5th.

A. D. 1816. REGULATION VIII.

A REGULATION for the appointment of the Hindoo law officers of the provincial courts to be sudder ameens, or head native commissioners, for the trial of causes referred to them by the judges of the zillahs in which those courts are stationed; for confining the office of sudder ameen to the Hindoo law officers of the provincial courts, and the Mahomedan and Hindoo law officers of the zillah courts; and for modifying and extending the power of sudder ameens in the trial and decision of civil suits:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th of May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

Preamble.

THE rules which have been enacted regarding the office of sudder ameen, or head native commissioner, for the trial and decision of causes of a certain amount or value, appearing in some instances to require revision; and it being expedient, with the view of promoting the speedy trial and decision of civil suits, to appoint the Hindoo law officers of the provincial courts to be sudder ameens in the zillahs wherein those courts are stationed, and to extend the jurisdiction of sudder ameens for the trial of referred causes to the amount or value of three hundred arcot rupees; and it being deemed conducive to the respectability of the office of sudder ameen, to restrict the appointment to that office to the Hindoo law officers of the provincial courts, and the Mahomedan and Hindoo law officers of the zillah courts: the Governor in Council has enacted the following rules, to be in force throughout the territories subject to the presidency of Fort St. George.

Regulations rescinded.

II. Sections IX, X, XI, XII, and Clauses first and second, Section XIII, Regulation VII. of 1809, and Regulation X. of 1809, are hereby rescinded.

Hindoo law officers of provincial courts, and Hindoo and Mahomedan law officers of zillah courts, to be sudder ameens ex officio.

III. The Hindoo law officers of the provincial courts, and the Hindoo and Mahomedan law officers of the zillah courts, shall by virtue of their offices be sudder ameens of the zillahs in which those courts respectively may be stationed.

Sunnuds granted to sudder ameens to be recalled and cancelled.

IV. The commissions or sunnuds of appointment, which may have been granted to persons holding the office of sudder ameen, shall be recalled and cancelled.

Oath to be taken by sudder ameens.

V. Every sudder ameen shall previously to entering upon the execution of the duties of his situation, take and subscribe an oath, according to the form prescribed in No. 1. of the appendix to this Regulation, before the judge of the provincial or zillah court to which he may belong; but the court is empowered, in all cases in which it may deem it expedient, to exempt such sudder ameen from taking the oath, and in lieu thereof to cause him to subscribe a solemn declaration to the same effect.

In certain cases oaths may be dispensed with, and

A solemn declaration to be subscribed.

Cutcherries of the sudder ameen, where to be held.

VI. The sudder ameens are to hold their cutcherries at the station where the zillah or provincial court is held, in a room belonging to the court house, or in such convenient place as the zillah or provincial court may direct.

What original suits may be referred to sudder ameens.

VII. The judges of zillahs are authorized to refer to the sudder ameens any original suits for land exempt from the payment of rent in money or in kind, either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed thirty arcot rupees; and for land subject to the payment of rent in money or in kind, either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed three hundred arcot rupees; or for other real property not of the description above specified, or for sums of money or other personal property, the value or amount of which shall not exceed three hundred arcot rupees.

What suits to be referred to the Hindoo, and what to the Mahomedan law officers.

VIII. In referring suits for trial to the sudder ameens, the judge shall generally refer such cases as are likely to involve questions of Hindoo law to the Hindoo law officers, and of Mahomedan law to the Mahomedan law officers.

IX. The

Sudder ameens to inveſtigate ſuits themſelves, and not to allow any other perſon to interfere therein.

IX. The sudder ameens are themselves to investigate the suits referred to them in a public cutcherry or court room, and are not to allow their officers, servants or dependants, or any other person to interfere therein.

Cauſes before ſudder ameens, how to be pleaded.

Judges to aſſign vakeels.

What regulations are applicable to the vakeels employed in the ſudder ameen's court.

X. All causes referred to the sudder ameans, shall be pleaded either by the parties in person or by an authorized vakeel of the provincial or zillah court to which the sudder ameens may respectively belong. The provincial and zillah courts will assign to the court of each sudder ameen, such a number of the authorized vakeels as may appear necessary. The whole of the Regulations in force regarding the authorized vakeels of the provincial and zillah courts, shall be applicable to the authorized vakeels employed in the courts of the sudder ameens.

What other ſuits may be referred to ſudder ameens.

XI. In addition to the original suits specified in Section VII. of this Regulation, the zillah judges are empowered to refer to the sudder ameens any depending appeals from the decisions of moonsifs appointed under the provisions of Regulation XVI. of 1802, and of Regulation VII. of 1809, and any appeals which may be made from the decisions of the district moonsifs appointed under the provisions of Regulation VI. of 1816, which the judges themselves may be unable to determine with sufficient despatch.

Regiſter to be kept; according to what form.

What diſtinction is to be made in the monthly and half-yearly reports.

XII. The sudder ameens shall keep a register book according to the form prescribed in No. 2. of the appendix to this Regulation; and in their monthly and half-yearly reports, they shall carefully distinguish suits referred to them in appeal, from suits referred to them for trial and determination in the first instance.

Proviſions of Section VIII, Regulation VI, 1816, applicable to the office of ſudder ameen.

XIII. The provisions of Section VIII, Regulation VI, 1816, are hereby declared to be applicable to the office of sudder ameen.

What rules to be obſerved by ſudder ameens.

Proviſo.

Sudder ameens decrees to be executed by the zillah courts.

How proceſs is to be iſſued.

XIV. The sudder ameens, in trying the causes which may be referred to them by the zillah judge, are to be guided by the same rules as are prescribed for the trial of suits before the judge; provided however, that the decisions passed by sudder ameens shall be carried into execution by the zillah court, and that every notice, summons, attachment or other process relative to any cause depending before a sudder ameen, shall be issued under the seal of the zillah court, and under the official signature of the judge or register, and shall be executed through the regular officers of the zillah courts; provided further, that nothing in this Regulation shall be construed to empower the sudder ameens to realize by their own authority any fines which they may impose; in such instances they shall report the circumstances of each case to the zillah judge, who will either remit, or modify, or confirm the fine imposed by the sudder ameen, and will proceed to realize the same under the same rules as are prescribed for the execution of decrees.

Sudder ameens not to realize the fines impoſed by themſelves.

Report to be made to the judge.

How he is to proceed.

What deciſion of ſudder ameens to be final.

XV. The decisions of sudder ameens on the appeals referred to them under Section XI. of this Regulation, shall be final; but from their decisions in original suits referred under the provisions of Section VII. of this Regulation, there shall be an appeal to the zillah judge under the rules prescribed for appeals from the decisions of the registers.

From what deciſions appeals are open.

Sudder ameens in what caſes to be entitled to the inſtitution fee.

XVI. When original suits or appeals referred to sudder ameens, may be decided by them on an investigation of the merits of the case or may be adjusted by razeenamahs of the parties, the sudder ameens shall be entitled to receive the amount of the fees paid on the institution of such original suits and appeals.

APPENDIX.

No. 1.

FORM of oath to be administered to sudder ameens.

I, *A. B.* sudder ameen of the zillah of do solemnly swear, that in the trial and determination of all suits which may come under my cognizance, I will act according to the best of my abilities and judgment, without partiality, favour or affection; that I will not directly or indirectly receive, or knowingly allow

allow any other person to receive any money, effects or property on account of any suit that may come before me for decision. I will strictly adhere to all the rules prescribed for my guidance, and I will in all respects truly and faithfully execute the trust reposed in me.

No. 2.

FORM of register book of suits referred to sudder ameens.

Number of the suit.	Date of the reference.	Names of the parties.	Amount and subject of the claim.	Date and abstract of the decree.	Date on which copies of the decree were furnished or tendered to the parties.
No. 1.	2d of Feb. 181 .	Veerasaumy *vs.* Chengelroy.	Debt on bond, 137 rupees.	20th March 181 . Decreed in favour of the plaintiff 133 rupees principal, and 2 rupees interest; defendant to pay costs 14 rupees: total, 147 rupees.	24th of March 181 . Copy furnished to the plaintiff himself, and another to the vakeel to the defendant.
No. 2.	2d of Feb. 181 .	Mahomed *vs.* Bava Saib.	Debt of 277 rupees, value of rice furnished to the defendant.	Adjusted by razeenamah, 10th of February.	
No. 3.	3d of Feb. 181 .	Gunna Sing *vs.* Mohun Lala.	Arrears of rent, 244 rupees.	April 1st, decreed to plaintiff 172 rups. defendant to pay costs 15 rups.	April 7th, plaintiff absent, copy of the decree furnished to the defendant.

A. D. 1816. REGULATION IX.

A REGULATION for reducing into one Regulation certain rules which have been passed regarding the office of the Zilla Magistrate; for modifying and defining his powers; and for transferring the office of Zilla Magistrate from the Judge to the Collector of the Zilla:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 13th of September 1816; corresponding with the 31st Auvanee of the year Dautoo, 1738th year of Saliwahn, and with the 20th Shavaul 1231 Hijeree.

Preamble.

WHEREAS the rules which have been enacted for the guidance of the zilla magistrates have appeared in some instances to require revision; and whereas it will contribute to the public convenience to reduce into one Regulation the rules in certain Regulations applicable to the office of zilla magistrate; and whereas it appears expedient, in order to prevent the collision of authorities in the districts, and to facilitate the administration of civil and criminal justice, to transfer the office of magistrate from the judge to the collector of the zilla; the following rules have been enacted.

Regulations rescinded.

II. Regulation VI, 1802; Sections XVII. and XVIII, Regulation XII, 1802; Sections XII. and XIV, Regulation I, 1808; Regulation XIII, 1809; Sections I, III, IV, V. and VIII, Regulation I, 1810; Regulation IV, 1811; and Sections X, X, XI. and XII, Regulation VI, 1811, are hereby rescinded.

Collectors of the several zillas to be magistrates in their respective zillas.

III. The collectors of the several zillas shall hold the office of magistrate of their respective zillas; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath according to the form prescribed in No. 1. of the appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it.

Assistants to the collectors to be assistants to the magistrates.

IV. The assistants to the collectors of zillas shall be assistants to the magistrates of the zillas.

Assistants may in certain cases be employed judicially. Proviso.

V. The zilla magistrates are authorized to employ their assistants in the execution of such part of their prescribed duties as from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistant entering upon the exercise of judicial authority, he shall take and subscribe before the magistrate an oath according to the form prescribed in No. 2. of the appendix to this Regulation.

Assistants having taken the prescribed oath, may in certain cases act judicially.

VI. The assistants to the zilla magistrates who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the magistrates by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively, by the magistrates with whom they are stationed.

The magistrate's official seal to remain in his custody.

VII. The magistrate shall use a circular seal one inch and three quarters in diameter, bearing the following inscription, in the Persian character and language, and also in the character and language of the district:

"The seal of the magistrate of the zilla of . ." The seal of each magistrate is to remain in the custody of the magistrate.

Special jurisdiction of the magistrates of the several zillas. Exception.

VIII. The special jurisdiction of the magistrates of the several zillas is to extend throughout the districts included in the zillas in which they are respectively stationed; provided however, that the magistrates be not considered to have any jurisdiction or authority whatever in the town of Madraspatnam, or any places adjacent within the limits of the jurisdiction of the supreme court of judicature at Madras.

Magistrate to apprehend all persons charged with crimes or misdemeanors.

IX. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, housebreakers, and disturbers of the peace, and persons charged before him with crimes or misdemeanors.

Crimes which are not bailable.

How a magistrate is to proceed if the charge be for manslaughter or illegal homicide not amounting to murder.

X. *First.*—Persons accused of treason, murder, robbery, setting fire to any house or village, housebreaking, theft, or counterfeiting of the coin, provided there shall appear sufficient grounds for believing the charge, shall not be admitted to bail; but if the charge be for manslaughter, or any species of illegal homicide not involving the crime of murder, the magistrate is authorized to proceed in the first instance, either by warrant for taking into custody or by summons, requiring bail, as he may judge proper, on consideration of the circumstances of the case, and of the condition and character of the party accused.

Principle of the foregoing section applicable to persons privy to or incidentally accessary to heinous crimes.

Second.—The principle of the latter part of the preceding clause, is also declared applicable to persons appearing from the magistrate's inquiry to have been only privy or incidentally accessary to crimes of a heinous nature, without being concerned therein either as principal, or as aiding and abetting, procuring or instigating the perpetration thereof.

Points to be attended to by the magistrates in their inquiries into charges preferred to them.

XI. The magistrates, upon receiving any charge for any heinous crime or misdemeanor, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed.

How a magistrate is to proceed on a complaint being preferred to him for any of the crimes herein specified declared not bailable, or though the crime charged be of a heinous nature, but not expressly declared to be unbailable.

XII. *First.*—Upon a complaint being preferred in writing to a zilla magistrate against any person subject to his jurisdiction, for treason, murder, robbery, housebreaking, theft, setting fire to a village, house or other building, counterfeiting the coin, or any other crime declared not to be bailable, or though not so expressly declared, involving such dangerous breach of the peace or degree of criminality as from the facts deposed to before the magistrate may appear to require the immediate apprehension of the accused, and to render the admission of bail unsafe and improper, the magistrate, on the truth of the charge being deposed to by the complainant, or in the manner required by the following sections, shall issue a warrant under his official seal and signature, specifying the crime charged, and directing the officer entrusted with the execution of it to apprehend the person accused.

To issue warrant under his official seal and signature: what the warrant is to contain.

Form of warrant for apprehension.

Second.—The warrant shall be in the form prescribed in No. 3. of the appendix to this Regulation, and shall be directed to any police officer.

What to be specified in warrant when bail or security for keeping the peace is to be taken.

Third.—If the magistrate shall in any bailable case judge it proper to authorize the officer to whom the warrant is committed to receive bail for appearance (with

or without security for keeping the peace), it shall be so specified in the warrant, with the extent of the bail (and security) required, according to the form prescribed in No. 4. of the appendix to this Regulation.

Fourth.—The bail to be taken for appearance before the magistrate, shall be in the form prescribed in No. 5. of the appendix to this Regulation. Form of bail bond for appearance before the magistrate.

Fifth.—When security may be required for keeping the peace, it shall be taken in the form prescribed in No. 6. of the appendix to this Regulation. Form of security bond for keeping the peace.

XIII. The attendance and deposition of the complainant shall not be indispensable in preferring a criminal charge, when sufficient reason can be assigned for his non-attendance. If the complainant be unable to attend in person or were not himself present at the commission of the act complained of, his written plaint presented by an authorized agent, and corroborated by the deposition on oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath) of one or more persons present or otherwise personally informed of the truth of the complaint, shall be sufficient grounds for receiving the same and for issuing process against the party accused, unless the magistrate see reason for making the previous inquiry authorized by the following section; but no warrant for apprehension shall be issued on a complaint, unless the truth of the charge be deposed to on oath (or under a solemn declaration), either by the complainant himself or by some other credible person. This shall not however be construed to restrict a magistrate from issuing process to apprehend a person suspected of having committed a heinous crime, or for whose apprehension sufficient cause may appear upon the report of a police officer, or upon any other credible information.

Personal attendance of complainant under certain circumstances herein described, not indispensable.

Exception.

No warrant to be issued unless the charge be sworn to or deposed to under a solemn declaration, either by the complainant or some other credible person.

Magistrate not restricted from issuing process for apprehension, upon the report of officers of police or other credible information.

XIV. If the magistrate see cause to distrust the truth of a complaint preferred to him, and if the immediate arrest of the party complained against appear unnecessary and objectionable, the magistrate is authorized to postpone his issuing his warrant for apprehension, and to cause a previous inquiry to be made, either by means of the local police officers or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations; if the result of such inquiry induce the magistrate to believe the charge well founded, and the offence committed be of the nature described in Section XII. of this Regulation, he shall issue his warrant for apprehending the accused therein directed; but if the accusation appear groundless, or though well founded, if the offence be of a bailable nature, he is empowered in the former case to dismiss the complaint, or in the latter case, to direct bail to be taken from the accused for appearance in person or by vakeel to answer the charge, as provided by the following section.

How the magistrate is to proceed if he see cause to distrust the truth of a complaint.

XV. *First.*—Upon a complaint in writing being preferred to a zilla magistrate against a person subject to his jurisdiction, for any bailable crime or misdemeanor which may not appear to require the immediate apprehension of the accused, the magistrate, upon the party complaining making oath (or a solemn declaration, if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath (or declaration) if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to by some other credible person or persons, shall issue a summons under his official seal and signature, to be served by any police officer.

How a magistrate is to proceed against a person charged with a bailable offence.

Second.—The summons in all such instances shall specify the offence with which the accused is charged, and shall, according to the circumstances of the case, contain a requisition to attend either in person or by vakeel, to answer to the charge on or before a certain day to be stated in the summons, according to the form prescribed in No. 7. of the appendix to this Regulation.

What the summons is to contain

Third.—If it be deemed necessary to require bail, the extent of the bail is to be specified in the summons, in the form prescribed in No. 8. of the appendix to this Regulation. Form to be substituted when bail is required.

Fourth.—The bail to be taken for appearance before the magistrate in pursuance of the above clause, shall correspond with the form prescribed by Clause IV, Section XII. of this Regulation. Bail bond to correspond with that prescribed in Clause fourth of Section XII.

XVI. If

How a magiſtrate is to proceed if the accuſed on whom a ſummons may have been ſerved, ſhall not attend in perſon or by vakeel, and give bail if required

XVI. If an accused person on whom a summons shall have been served, shall not attend in person or by vakeel, and give bail (if required) according to the exigence of the summons, within the period limited by it, the magistrate shall issue a warrant under his official seal and signature, for the appresension of the accused, and if he abscond or conceal himself so that he connot be found, shall proceed against him in the manner directed in the following section.

Magiſtrates how to proceed againſt perſons who may evade their proceſſes by flight or concealment.

XVII. *First.*—The magistrate is to cause a written proclamation in the language of the district, requiring the absent party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the magistrate, on receiving the police officer's return to this effect, is to order the attachment of any land or other real property held by the absentee within his jurisdiction, in the following manner.

Lands or other real property to be attached upon non-attendance after proclamation.

Attachment in what manner to be made if the abſentee be a proprietor or farmer of land paying revenue to Government.

Second.—If the absentee be a proprietor of land, or sudder farmer, paying revenue to Government, the magistrate shall hold the land or farm of the absentee in attachment, and take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the Board of Revenue, to whom he is to make an immediate report of any instances of land being attached by him under this Regulation.

Or if the abſentee be not of the above deſcriptions.

Third.—If the absentee be not a proprietor or farmer of land paying revenue to Government, but as a dependant talookdar, under farmer or ryot, or in any other capacity whatever, be the tenant of landed property capable of attachment, the magistrate shall attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge, paying from the product any rent which may become due to the zemindar or other person entitled thereto, and deducting all necessary expenses in the account to be rendered to the absentee, whenever he may attend, and the attachment of his property be removed.

Attachment to be taken off on attendance of the abſentee, and an account rendered of receipts and diſburſements.

Fourth.—In all instances wherein an attachment of property may be made under the foregoing rule, the magistrate, immediately on the attendance of the party for whose appearance it was ordered, shall direct that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Report to be made to the Governor in Council, in caſe the abſentee ſhall not attend within ſix months after the attachment of his lands.

Fifth.—Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the magistrate shall report the case to the Governor in Council, who will pass such order upon it and upon the future disposal of the lands as he may judge proper.

Magiſtrates how to proceed againſt perſons reſiſting their proceſſes.

XVIII. *First.*—If any person amenable to the authority of the magistrate, shall resist or cause to be resisted, any warrant, order or other process of any magistrate, the magistrate of the zilla in which such resistance may have been made, on the same being charged on oath, shall, if practicable, cause the party to be apprehended, and brought before him to answer to the charge. If the party shall abscond or conceal himself, so that he cannot be apprehended, the magistrate is to cause a written proclamation in the language of the district, requiring the party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. If the party charged as above cannot be apprehended, and shall not within the period fixed by proclamation appear to answer the charge against him, or if he shall be apprehended, or shall appear in pursuance of the proclamation, and after receiving his answer to the charge and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the magistrate that he is guilty of the charge, the magistrate is to pass judgment against him in the following manner.

Judgment to be paſſed againſt perſons convicted of ſuch reſiſtance.

If a proprietor of land paying revenue to Government or lakheraj land.

Second.—If the offender be a zemindar, talookdar or other proprietor of land paying revenue to Government, or the proprietor of ultumgah, aymah, or other lands

lands exempt from revenue, situated within the zilla in which the resistance was made, and the case shall not come under the rule provided in clause fifth of this section, the magistrate shall declare such lands to be forfeited to Government, and shall hold them in attachment till the receipt of orders from the Governor in Council, to be communicated in the manner hereafter directed.

If a sudder farmer holding a farm from Government.

Third.—If the offender be a sudder farmer holding a farm from Government within the zilla in which the resistance may have been made, and the case shall not come under the rule provided in clause fifth of this section, the magistrate shall declare his lease cancelled, and shall proceed as above required with respect to lands declared forfeited to Government.

If the offender be not of the above descriptions.

Fourth.—If the offender be not a proprietor of land or sudder farmer paying revenue to Government, as described in the two foregoing clauses, the judgment against him shall declare him liable to the payment of such fine to Government as may appear proper upon a consideration of his rank and circumstances in life, and the offence of which he may be convicted; and the magistrate shall immediately proceed to the attachment of any property appertaining to the offender for the recovery of the same, in the manner authorized by the Regulations for the recovery of sums of money decreed by the civil courts of justice; in cases wherein the offender may have been apprehended, and may not be possessed of property adequate to the discharge of the fine adjudged against him, the magistrate, with the concurrence of the Foujdary Adawlut, may commute such fine to imprisonment or corporal punishment.

Magistrates may inflict punishment in certain cases of resistance, without the reference required in clause sixth.

Fifth.—In cases of resistance to the process of a magistrate, not attended with aggravating circumstances, wherein the magistrate before whom the charge may be tried, shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences under Section XXXII. of this Regulation, it shall not be necessary to transmit his proceedings for the consideration of the Foujdary Adawlut, as required by clause sixth of this section, but the judgment of the magistrate shall be executed, in such cases, without reference to the Foujdary Adawlut.

Judgments of magistrates under this section (with the exception specified) to be reported to the Foujdary Adawlut, without whose orders such judgments not to be considered final and conclusive.

Sixth.—Provided always, that the whole of the judgments passed by the magistrates under this section (with an exception to the judgments passed under the preceding clause) be immediately reported, with a complete copy of their proceedings, to the court of Foujdary Adawlut, and the orders of that court be received under the following section, before the judgment passed by a magistrate under this section be considered final and conclusive.

Foujdary Adawlut, how to proceed in cases referred to them under this Regulation.

XIX. The Foujdary Adawlut, on the receipt of the proceedings above referred to, are to pass such order thereupon as they may think proper, on due consideration of the evidence and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to Government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the Foujdary Adawlut is to be final in all cases of fine, imprisonment and corporal punishment; but in case they shall confirm the judgment of the magistrate for a forfeiture of the offender's lands or lease, they are, previously to ordering such sentence to be carried into execution, to transmit their proceedings with those of the magistrate to the Governor in Council, who will finally determine whether the sentence of forfeiture shall be put in force, or commuted to a fine or otherwise, and who, whenever he may order the land or lease of the offender to be forfeited to Government, will at the same time cause the necessary instructions for the future disposal of the land to be conveyed to the collector through the Board of Revenue. In case the magistrate's judgment of forfeiture be set aside either by the Foujdary Adawlut or the Governor in Council, he shall immediately on being informed thereof, and on receipt of the fine (if a fine be ordered), remove the attachment, and cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Magistrates not restricted from admitting to bail persons accused of resistance to criminal processes in certain cases.

XX. The rules contained in Section XVIII. of this Regulation, shall not restrict the magistrates from admitting to bail persons charged with resistance to a warrant, order or other process of a magistrate, in cases not attended with aggravating circumstances, or in any case when the magistrate upon receipt of the charge, or in the course of his inquiry respecting it, or after he shall have passed judgment upon

it, during the reference required to be made to the Foujdary Adawlut, may judge proper to admit the defendant to bail. As resistance of process is not included in the specification of crimes declared not bailable, is is hereby declared that persons apprehended on a charge of resistance of process under this or any other Regulation, and who may not be accused of any aggravating crime in addition to the resistance of process, such as is declared not bailable by Section X. of this Regulation, are to be admitted to bail until a final decision shall have been passed upon the charge, provided the bail offered by them shall appear to the magistrate sufficient for securing the appearance of the persons so charged during the prescribed investigation of the case.

In what cases such persons may be admitted to bail.

XXI. In cases of gang robbery, murder or other heinous crime, when the magistrate shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, or when the offenders may not be known, if it appear advisable to the magistrate of the jurisdiction in which the crime may be committed to offer a reward for the discovery and apprehension of the offender or offenders, he shall offer such reward as shall be deemed sufficient, not exceeding in any case the snm of one hundred arcot rupees for a surdar or leader of a gang, and twenty rupees for each of the inferior offenders that may be discovered and apprehended in consequence. In any case which may appear to the magistrate to require a larger reward, he shall report the same to the court of Foujdary Adawlut, with his opinion of the reward that should be offered, and the court of Foujdary Adawlut may authorize such reward as shall appear sufficient, not exceeding the sum of five hundred arcot rupees for a surdar or leader, and one hundred rupees for each of the inferior offenders; if these rewards appear to be in any case insufficient, the court of Foujdary Adawlut shall report the same for the consideration and orders of Government.

Magistrate how to proceed when it may appear advisable to offer a reward for the discovery and apprehension of offenders in cases of magnitude.

Discretion vested in the magistrate in such cases,

and in the court of Foujdary Adawlut.

In what case a report to be made for the orders of Government.

XXII. All specific rewards offered under the discretion of the magistrate, or which may have been duly sanctioned by the court of Foujdary Adawlut, or the Governor in Council under the preceding section, shall be payable on the conviction of the offender or offenders before the courts of circuit. The courts of circuit are also hereby empowered to direct the payment of any part of the specific rewards authorized, altho' the persons apprehended may not be convicted of the crimes charged against them, if from proof of their notorious bad character and the whole of the evidence, there appear to be ground of presumption that the information given against the prisoners was well founded; provided farther, that it shall be competent to the court of circuit to withhold and prohibit the payment of the whole or any part of the specific rewards offered under the preceding section, altho' the persons informed against and apprehended may be convicted, if it should appear on the trial that any improper means have been taken by the informer with a view to the conviction of the accused, or that the latter has suffered any maltreatment from the former, or from any person under his influence.

Reward sanctioned under the preceding section when payable.

In what cases the courts of circuit may order payment in whole or in part, without conviction of the persons apprehended.

In what cases the courts of circuit may also withhold the payment of the rewards offered under preceding section, notwithstanding the conviction of the persons apprehended.

XXIII. In cases wherein any meritorious service may have been rendered by police officers or others in the apprehension or discovery of public offenders, for whom no specific reward may be payable to the person or persons who have performed such meritorious service, the courts of circuit, on due consideration of the service rendered, the exertions made, and any expense incurred in the performance of it, are authorized to direct the payment of such remuneration as may be considered adequate, not exceeding the sum of one hundred rupees for a surdar, and ten rupees for an accomplice. If a larger reward be deemed proper, a report of the case shall be made to the court of Foujdary Adawlut, who are authorized to direct the payment of any sum not exceeding five hundred rupees. If in any case it appear proper to grant a higher reward or compensation than five hundred rupees, the court of Foujdary Adawlut shall report the same for the consideration and orders of Government.

Authority vested in the courts of circuit to direct a remuneration for meritorious service by police officers and others in the discovery or apprehension of public offenders, when no specific reward may be payable to them; and in the court of Foujdary Adawlut.

In what case a report to be made to Government.

XXIV. *First.*—Upon a prisoner being brought in the first instance before the magistrate, charged with any crime or misdemeanor, he shall inquire into the circumstances of the charge, and examine the prisoner, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The witnesses shall be examined upon oath (or on a solemn declaration, if of a rank or cast which would render it improper to take an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this inquiry, if it shall appear to the magistrate

Prisoner to be examined, but not upon oath, and his deposition to be committed to writing.

The witnesses to the charge to be examined upon oath (or solemn declaration), and their depositions to be committed to writing.

that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the court of circuit with the calendar ordered to be prepared in Section XL. of this Regulation.

Magistrate to discharge the prisoner if there shall not appear evidence of his guilt, recording his reasons for so doing.

Second.—If on the contrary it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there is evidence of the prisoner's having been concerned in the perpetration of it, the magistrate shall send the prosecutor, the witnesses and the prisoner, with the proceedings on the case, to the criminal judge of the zilla; but it shall not be necessary for the magistrate to go further into the examination, than to satisfy his own mind that there is ground to believe the prisoner guilty of the crime charged against him.

Magistrates to send the prosecutor, witnesses and the prisoner, to the criminal judge, if there shall be evidence that the crime or misdemeanor was committed.

Magistrate need go no further into examinations than may satisfy his mind of the prisoner's guilt.

XXV. Whenever the magistrate may forward a prisoner to the criminal judge under the preceding section, he shall send by the police peons in charge of the prisoner, a paper containing the name of the prisoner, the crime with which he is charged, and date of the charge, the date of his apprehension, and a list of the prosecutors and witnesses, and of all examinations and depositions that may have been taken either by himself or any police officers. The judge shall immediately on the receipt of such paper, certify on the back of it whether or not the prisoner and documents have been received, and shall return it by the police peons to the magistrate, and no other communication shall be necessary.

Documents to be forwarded with the prisoner to the judge.

XXVI. When a prisoner confesses before the magistrates the crime or misdemeanor of which he may have been accused, the magistrates are to be careful to have such confession witnessed by as many creditable persons, not being servants of the Government, who may be present at the time it may be made, as the Mahomedan law requires to give it validity; but the magistrates are strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary. The magistrates are further required to take special care that persons upon being apprehended, are not made to suffer corporal punishment, or otherwise ill-treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any other pretext whatever.

Prisoners confessions or confirmations of former confessions of their guilt, to be attested by the number of witnesses the Mahomedan law requires to render them valid.

The magistrate to be careful that they are free and voluntary, and to take special care that prisoners suffer no ill-treatment after apprehension, to compel them to speak the truth or for other purpose.

XXVII. No private compromise or razeenamah shall be admitted by the magistrate in crimes of a heinous nature, such as on conviction may require exemplary punishment for the ends of public justice.

Magistrate not to admit any compromise in crimes of a heinous nature.

XXVIII. All examinations and depositions taken before the magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the magistrate, and are to be taken and written in the language in which the deponents may desire to have the same recorded.

Rules respecting examinations taken before the magistrate.

XXIX. The magistrates of the several zillas shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses or against the witnesses of the adverse party, or of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the civil courts, either as plaintiffs, defendants or witnesses, are hereby declared not to be liable to any prosecution of this description, unless they shall be committed to take their trial by the zilla judge under the authority vested in him by Section VIII, Regulation III, 1802.

Magistrates not to receive charges of perjury.

Individuals attending in civil suits not liable to prosecution for perjury, unless committed for trial by the judge.

XXX. The magistrates are to transmit to the court of Foujdary Adawlut, in the month of January of each year, in the form prescribed in No. 9. of the appendix to this Regulation, an abstract statement of the number of robberies and other crimes of a heinous nature, ascertained by the police officers, or otherwise, to have been committed within their respective jurisdictions in the preceding year, the number of persons known or supposed to have been concerned in the commission of such crimes, and the number apprehended and delivered over to the criminal judge.

Magistrates to transmit to the Foujdary Adawlut, in the month of January of each year, an abstract statement of robberies and other crimes committed in the preceding year, containing the particulars herein specified.

XXXI. All Europeans not British subjects shall be amenable to the authority of the magistrates, the criminal judges, and courts of circuit within whose jurisdiction they may be apprehended and brought to trial, in common with the natives of the country.

Process to be observed for apprehension and trial of Europeans not British subjects.

XXXII. The

Miſdemeanors which the magiſtrates are authorized to try;

and the puniſhment which they are empowered to inflict for ſuch offences.

XXXII. The magistrates are empowered to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender when convicted, by committing him to prison in the zilla jail or village choultry, as to them may seem proper, for a term not exceeding fifteen days, or by imposing a fine upon him, but the fine is in no case to exceed the sum of fifty arcot rupees, unless the offender be a zemindar, independent talookdar, or other actual proprietor of land paying an annual revenue to Government of more than ten thousand arcot rupees, or a proprietor of ayma land paying a quit revenue to Government exceeding five hundred arcot rupees per annum, or of lakheraj land, the annual produce of which may be above one thousand arcot rupees, in which cases such offender shall be liable to a fine not exceeding two hundred arcot rupees. The magistrate is to fix the amount of the fine under the limitations prescribed, upon a due consideration of the nature of the case and the situation and circumstances in life of the offender.

Crimes which the magiſtrates are alſo authorized to try, under the reſtrictions herein ſpecified;

and the puniſhment which they are empowered to inflict for ſuch crime.

XXXIII. The magistrates are authorized to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters, and to inflict upon the offenders corporal punishment not exceeding eighteen rattans, or commit them to prison in the zilla jail or village choultry, as to them may seem proper, for a term not longer than one month, according as they may think proper upon a consideration of the circumstances of the case.

Form of warrant referred to, to be addreſſed by magiſtrates, in certain caſes, to the keeper of the zilla jail.

XXXIV. *First.*—In cases of a prisoner, punishable by the magistrate under the two preceding sections, being sent to the zilla jail, the magistrate shall forward with the prisoner a warrant in the form prescribed in No. 10. of the appendix to this Regulation, addressed to the keeper of the jail, who shall conform to the tenor of the warrant.

Warrant to be acompanied by a paper addreſſed to the judge.

The endorſement therein required.

Second.—The warrant shall be accompained by the paper addressed to the criminal judge, containing the name, the crime or offence, and the period of confinement to which the prisoner may have been sentenced. The judge shall return the paper by the police officers who may come in charge of the prisoner, with an endorsement attested by his official seal and signature, acknowledging the delivery of the prisoner.

Puniſhment to be inflicted on the complainants in the caſes herein ſpecified, whoſe complaints are proved to be litigious, vexatious or groundleſs.

XXXV. Where the complaints specified in Sections XXXII. and XXXIII. of this Regulation, shall appear to the magistrate to be litigious, vexatious or groundless, he is authorized to punish the complainant by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section XXXII.

In what caſes bail for perſonal appearance ſhall not be required in the firſt inſtance;

but may be required at any time during the inveſtigation.

How an officer entruſted with the ſerving of a ſummons is to proceed.

XXXVI. In cases of a trivial nature, such as abusive language, slight trespasses, and inconsiderable assaults or affrays, in which there may be no reason to apprehend that the party complained against will abscond, bail for appearance shall not be required in the first instance, but may at any time during the investigation of the charge be called for by the magistrate, if any circumstances should occur to render it necessary. The officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same and to return an acknowledgment for the party. The officer serving the summons in such instances, shall be authorized, on the tender of a razeenamah expressing the plaintiff's desire to withdraw his complaint, and the defendant's acquiescence in the complaint's being withdrawn, to receive such razeenamah as a sufficient return to the process committed to him; but excepting in the trivial cases noticed in this section, no razeenamah shall be received without the special sanction of the magistrate.

In what caſes the officer ſerving the ſummons ſhall be entruſted to receive a razeenamah, if acquieſced in by the defendant, as a ſufficient return to the proceſs entruſted to him.

Provided, that except in the trivial caſes noticed, no razeenamah ſhall be received without the ſanction of the magiſtrate.

Magiſtrates not required to make examinations in certain caſes matter of record.

XXXVII. The magistrates are not required, in the cases of petty offences specified in Section XXXII. of this Regulation, to make their examinations matter of record, when the punishment they may order shall not exceed two days imprisonment or a fine of five rupees.

XXXVIII. The

XXXVIII. The magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension to the date of their discharge or delivery to the criminal judge.

Magistrate to pay the customary diet money to prisoners.

XXXIX. *First.*—No fines, except in the cases specified in the second clause of this section, shall be imposed by a magistrate, save and except to the use of Government, and whenever a fine to the use of Government shall be imposed, the magistrate who may pass the sentence, shall at the same time weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine, at the expiration of which the persons convicted shall be discharged, if they have not previously paid the fine. In cases in which the magistrates shall impose fines, the imprisonment to be fixed by them as equivalent to the fines shall not exceed the periods specified in Sections XXXII. and XXXIII. of this Regulation.

No fines to be imposed by magistrates but to the use of Government, with a definite period of imprisonment to be held as equivalent to the fines imposed.

Imprisonment not to exceed periods herein specified.

Second.—In case of injury to any complainant, when the fine may have been levied, it shall be lawful for the magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable.

Application of fine when levied in cases of injury to complainants.

XL. *First.*—The magistrates shall cause to be delivered to the courts of circuit, upon their arrival at the places of residence of the criminal judges of their respective zillas, a calendar in the form prescribed in No. 11. of the appendix to this Regulation, containing a list of all persons whom they may have apprehended for crimes or misdemeanors, and discharged for want of sufficient evidence; as also a calendar in the form prescribed in No. 12. of the appendix to this Regulation, containing a list of all punishments which they may have ordered on petty offences or petty thefts, with the exception of those cases which are not required to be made matter of record under Section XXXVII. of this Regulation.

Magistrates to submit two calendars to the courts of circuit.

What to contain.

Second.—These calendars are to be accompanied with all the original proceedings in each case, and if the court of circuit shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar punished upon insufficient grounds, they are to transmit to the magistrate such written orders on the case as may appear to them proper, to which he shall conform.

What papers and proceedings are to accompany these calendars.

Directions to the circuit judge in certain cases.

Third.—The courts of circuit are to report to the Foujdary Adawlut, for the information and orders of Government, whenever the magistrate omit or refuse to obey their orders, as also whenever it shall appear to them that the magistrates have been guilty of neglect or misconduct in the discharge of their duty.

Court of circuit to report instances of neglect or misconduct on the part of magistrates in the discharge of their duty.

XLI. Every summons or other criminal process shall be served by a peon or other police officer receiving wages from Government, and no diet money or other allowance or gratuity shall be demanded or received from the complainant or accused, whether the case be adjusted by razeenamah or otherwise, and the demand or receipt of such by any police officers, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence on conviction before the magistrate, the criminal judge of the zilla, or court of circuit; the offender shall also be compellable, either by a criminal prosecution or by a civil action, to refund the amount received, besides being liable to immediate dismission from office under the provisions contained in the existing Regulations.

Public officers in the pay of Government charged with the serving of process, prohibited from demanding or receiving diet money from the parties.

XLII. Magistrates are hereby empowered to remove police officers from one station to another within their respective jurisdictions, without reference to any authority.

Magistates empowered to remove police officers from one station to another, at discretion.

XLIII. The zilla magistrates and their assistants are hereby declared amenable to the zilla court in the jurisdiction of which they may reside or carry on the public business committed to their charge, by a civil prosecution for any act or acts done in their official capacity in opposition to any established Regulation.

Magistrates and their assistants amenable to the zilla court for acts done in their official capacity.

XLIV. Such parts of Section II, Regulation I, 1808; Section XXI, Regulation I, 1812; and Section XVI, Regulation III, 1812, as refer to the magistrate of the zilla, are hereby declared applicable to the criminal judge of the zilla only.

Such parts of sections herein specified as refer to the magistrate, made applicable to the criminal judge of the zilla only.

XLV. The offences specified in Section XIII, Regulation I, 1808; Sections XXIII. and XXIV, Regulation I, 1812; and in Sections XX. and XXI, Regulation III, 1812, shall be cognizable by the magistrate, under the limitations with regard

The offences specified in the sections herein referred to, punishable by the magistrate under the limitations

of punishment prescribed by this Regulation.

regard to the extent of punishment prescribed by Sections XXXII. and XXXIII. of this Regulation; but in all cases where the magistrate may deem the punishment which he is authorized to inflict inadequate to the offence, he shall send the witnesses and the offender, with the proceedings on the case, to the criminal judge of the zilla.

Part of clause referred to, declared applicable to this Regulation.

XLVI. Such part of Clause first, Section VII, Regulation II, 1808, as refers to Regulation VI, 1802, is hereby declared applicable to this Regulation.

Zilla magistrates to take the prescribed oath as justices of the peace.

XLVII. The magistrates of the several zillas who have not already taken the prescribed oath of qualification to act as justices of the peace of their respective districts, are hereby required to do so within three months from this date; and all persons hereafter appointed to the station of zilla magistrate, are hereby required to take the said oath within three months from the date of their appointment.

APPENDIX.

No. 1.

FORM of Oath to be administered to the Magistrate.

I, *A. B.* appointed magistrate of the zilla of solemnly swear, that I will to the best of my ability, preserve the peace of the zilla over which my authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, reward or emolument whatsoever, in the execution of, or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office, according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

So help me God.

No. 2.

FORM of Oath to be administered to the Assistants to the Magistrates.

I, *A. B.* assistant to the magistrate of the zilla of solemnly swear, that I will to the best of my ability, assist the said magistrate in preserving the peace of the zilla over which his authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, emolument or reward whatsoever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office, according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

So help me God.

No. 3.

FORM of Warrant for apprehension.

To

Whereas inhabitant of stands charged on the oath (*or*, solemn declaration) of inhabitant of with the crime of you are hereby directed to apprehend the said and produce him before the magistrate of the said zilla. In this fail not. Dated the day of A. C. corresponding with

No. 4.

FORM of Warrant requiring Bail or Security.

Whereas inhabitant of stands charged on the oath (*or*, solemn declaration) of inhabitant of with the crime of you are hereby directed to apprehend the said and to require bail in the sum of rupees for his appearance before the magistrate of the said zilla on or before the you are farther required to take security from the said for keeping the peace, in the sum of rupees; if the said shall not give the bail (and security) above stated, you are directed to bring him before the magistrate of the said zilla. Herein fail not. Dated this day of A. C. corresponding with

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No. 5.

FORM of Bail Bond for appearance before the Magistrate.

Whereas inhabitant of stands charged with and is required to appear before the magistrate of the zilla of on or before the to answer to such charge, I hereby bind myself to produce the said before the said magistrate, on the date aforesaid, and to be answerable for his appearance until a final order be passed by the magistrate upon the said charge. In default whereof I further bind myself to forfeit to Government the sum of rupees In this I will not fail. Dated this day of A. C. corresponding with

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No. 6.

FORM of Security Bond for keeping the Peace.

Whereas inhabitant of stands charged with and has been called upon to give security to keep the peace whilst such charge is under investigation, I hereby declare myself surety for the said that he shall not commit any act that can occasion a breach of the peace whilst the said charge is under examination. In default whereof I further hereby bind myself to forfeit to Government the sum of rupees Dated this

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No. 7.

FORM of Summons.

To inhabitant of

Whereas a complaint has been preferred on oath (*or*, solemn declaration) by inhabitant of charging yon with the crime of you are hereby required to appear (in person or by vakeel) before the magistrate of the zilla of on or before the day of to answer the said charge. Herein fail not. Dated the day of A. C. corresponding with

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No. 8.

FORM of Summons when Bail is required.

To inhabitant of

Whereas a complaint has been preferred on oath (*or*, solemn declaration) by inhabitant of charging you with you are hereby required to appear (in person or by vakeel) before the magistrate of the zilla of on or before the to answer to the said charge; you are further required to give bail in rupees for your appearance (in person or by vakeel) on the day aforesaid. Herein fail not. Dated the day of A. C. corresponding with

No. 9.

ABSTRACT Statement of Robberies and other crimes of a heinous nature, ascertained by the police officers, or otherwise, to have been committed within the zilla of in the year of the number of persons known or supposed to have been concerned in the commission of such crimes, and of the number apprehended and delivered over to the Criminal Judge.

Designation and Number of Crimes.		Computed number of persons concerned.	Numberapprehended and delivered over to the Criminal Judge.
1. Robbery and Murder	10	100	50
2. Robbery without Murder	20	200	100
3 Affrays and violent Assaults, attended with homicide, maiming or wounding	20	200	100
4. Murder	5	20	10
5. Housebreaking	20	40	20
6. Thefts of considerable amount or attended with aggravating circumstances	30	60	30
7. Receiving stolen Goods	20	20	20
8. Arson, (when committed distinctly from other offences)	5	20	10
9. Rape	2	2	2
10. Adultery	4	4	4
11. Perjury	10	10	10
12. Forgery	5	5	5
Total	151	681	361

Note.—Remarks to be subscribed on the increase or decrease of any particular designation of crime, or the greater or less number of persons concerned or apprehended, or on any other circumstance which may call for observation.

No. 10.

FORM of Warrant of Commitment.

To the keeper of the jail at

Whereas *A. B.* having been convicted of (*here specify the offence*) was sentenced by me under this date to be imprisoned for and during the space of days from the date hereof. Now you are hereby required to receive the said *A. B.* into your custody in the said jail; and there safely to keep him the said *A. B.* until the expiration of the said days from the date hereof; and then to release him.

Given under my hand and seal at in the zilla of in the year of our Lord 181 .

No. 11.

CALENDAR of Persons discharged by the Magistrate of the Zilla of

No.	Names.	Offence.	Date of apprehension.	Date of release.	Reasons.
1.	Ramiah	Murder	1st January	10th January	Want of evidence.
2.	Venkatah	Highway robbery	10th March	15th March	Charge groundless.

No. 12.

CALENDAR of Persons punished by the Magistrate of the Zilla of

No.	Names.	Offence.	Punishment.	Date.
1.	Ramah - - -	Assault - - -	6 Rupees fine -	5th December.
2.	Mootoo - - -	Petty Theft - -	12 Rattans - -	—

A. D. 1816. REGULATION X.

A REGULATION for constituting the judges of the Courts of Adawlut of the several Zillas, Criminal Judges of their respective Zillas, and for defining their powers;—Passed by the Right honourable the Governor in Council of Fort St. George, on the 13th of September 1816; corresponding with the 31st Auvanee of the year Dautoo, 1738th year of Saliwahn, and with the 20th Shavaul 1231 Hijeree.

WHEREAS it appears expedient, in order to facilitate the administration of criminal justice, to constitute the judges of the courts of adawlut of the several zillahs, criminal judges of their respective zillahs, and to prescribe rules for their guidance in bringing to trial persons charged with crimes and offences; the following rules have been enacted. Preamble.

II. The judges of the courts of adawlut of the several zillas, shall hold the office of criminal judge of the zilla under their respective jurisdictions; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath according to the form prescribed in No. 1. of the appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it. Judges of the zilla courts, to be criminal judges in their reſpective juriſdictions.

III. The registers to the zilla courts shall be assistants to the criminal judges of the zillas. Regiſters to the zilla courts to be aſſiſtants to the criminal judges of the zillas.

IV. The criminal judges are authorized to employ their assistants in the execution of such part of their prescribed duties as from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistant entering upon the exercise of judicial authority, he shall take and subscribe before the judge, an oath according to the form prescribed in No. 2. of the appendix to this Regulation. Aſſiſtants may in certain caſes be employed judicially. Proviſo.

V. *First.*—The assistants to the criminal judges who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the judge by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively by the judges with whom they are stationed. Aſſiſtants having taken the preſcribed oath, may in certain caſes act judicially.

Second.—The provisions of Section XV, Regulation XII, 1802, with the exception of what relates to the preservation of the peace of the district, are hereby declared applicable to the criminal judges of the several zillas and their assistants. The proviſions of Section XV, Regulation XII, 1802, declared applicable to the criminal judges and their aſſiſtants.

VI. The special jurisdiction of the criminal judges of the several zillas, is to extend throughout the districts included in the zillas in which they are respectively stationed; provided however, that the criminal judges be not considered to have any jurisdiction or authority whatever in the town of Madraspatnam, or any places adjacent within the limits of the jurisdiction of the supreme court of judicature at Madras. Special juriſdiction of the criminal judges of the ſeveral zillas. Exception.

Criminal judges empowered in certain cases to pass sentence of imprisonment, with corporal punishment; and fine, under the limitations herein specified.

VII. The criminal judges are hereby empowered, in all cases of conviction before them of a criminal offence punishable under the Mahomedan law and the Regulations, for which the penalties authorized by Sections XXXII. and XXXIII, Regulation IX, 1816, may appear insufficient, or to which the rules referred to may not be expressly applicable, and for which a more severe punishment than six months imprisonment with thirty rattans, or a fine of two hundred rupees, may not have been especially prescribed (in which case the prisoner, if there appear grounds for it, must be brought to trial before the court of circuit), to pass sentence of imprisonment not exceeding six months, with corporal punishment not exceeding thirty rattans in cases of theft, or in other cases, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment not exceeding six months, so that the entire period of imprisonment under the sentence of a criminal judge shall in no instance exceed one year.

Criminal judges competent only to take cognizance of criminal charges brought before them by magistrates or their police officers.

VIII. The criminal judge of the zilla shall not receive or take cognizance of any criminal charge or information, except such as may be brought before him by a magistrate or some police officer under his authority; provided however, that this restriction shall not be considered as applicable to cases in which an European British subject shall be a party.

Proviso.

Prisoner to be examined, but not upon oath; and his deposition to be committed to writing.

Prosecutor and his witnesses to be examined upon oath, or on a solemn declaration, and their depositions to be committed to writing. Judge to discharge the prisoner if there shall not appear to him sufficient ground for commitment, recording his reasons for so doing.

IX. *First.*—Upon a prisoner being brought before the criminal judge, he shall inquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alledged against the prisoner, and commit their respective depositions to writing. The complainant and the witnesses shall be examined upon oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this inquiry, if it shall appear to the judge that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the judge shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the court of circuit with the calendar ordered to be prepared in Section XXIII. of this Regulation.

Judge to punish the prisoner if the crime be committed, and punishable by fine.

Second.—If on the contrary it shall appear to the judge that the crime or misdemeanor was actually committed by the prisoner, and if it shall be punishable by the judge under Section VII. of this Regulation, he shall adjudge such punishment as he may deem proper.

Judge to commit the prisoner, or to hold him to bail, if there shall appear to him sufficient ground for so doing.

Third.—If the crime or misdemeanor be not punishable by the judge, and if it shall appear that it was actually committed, and that there is evidence of the prisoner having been concerned in the perpetration of it, the judge shall commit him to prison, or hold him to bail (according as the offence may be bailable or not), to take his trial at the next session of the court of circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

All bail bonds and recognizances to be for specific sums, to be forfeited upon non-performance of the conditions;—rule for determining the amount of such sums.

Fourth.—All bail bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum, the amount of which shall be determined by the judge upon a due consideration of the case and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government in the event of the condition of it not being performed.

Points to be attended to by the judges in their inquiries into charges before them.

X. The criminal judges are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night the act complained of was committed; when a prisoner confesses before them the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the judges are to be careful, in cases referable to the court of circuit, to have such confession or confirmation of a former confession witnessed by as many creditable persons, not being servants of the Government, who may be present at the time it may be made, as the Mahomedan law requires to give it validity, and to cause such witnesses to be in attendance at the next sessions of the court of circuit; all confessions made by prisoners shall be free and voluntary, and notwithstanding such confessions, the judges are invariably to summon and bind over to attend at the next sessions, the witnesses to the com-

mission of the crime or misdemeanor alledged against the prisoner, that they may be examined before the court of circuit in the same manner as if the prisoner had denied the charge.

XI. In all cases of trial before the court of circuit, if the admission of bail have not been prohibited by the Regulations, and the bail tendered shall appear sufficient for securing the appearance of the party accused, he shall be admitted to bail until sentence be passed upon the charge against him; moreover in special instances wherein the court of circuit on report from the criminal judge, or on other satisfactory information before them, may deem it just and proper to admit to bail a person charged with an offence not bailable under the general provisions contained in the Regulations, that court is declared competent to instruct the judge to accept sufficient bail, instead of keeping the accused in confinement whilst the charge against him is under trial. The court of circuit may likewise in all bailable cases, wherein the bail required by the judge shall appear excessive, direct the judge to receive such bail as may be deemed sufficient to answer the purpose intended by it.

Bail, if sufficient to secure attendance, may be admitted in all cases not prohibited by the Regulations.

Courts of circuit in certain cases may direct the judge to admit to bail persons accused of offences not bailable under the Regulations; and may direct judges, wherein excessive bail may have been required by them, to receive such bail as may by the court of circuit be deemed sufficient.

XII. The bail to be taken under the preceding section, as well as in all cases of persons being held to bail for trial before the courts of circuit, shall be according to the form prescribed in No. 3. of the appendix to this Regulation.

Form of bail bond for persons to be tried before the court of circuit.

XIII. In all cases of a prisoner being committed, or held to bail for trial before any court of circuit, the criminal judge who may order him to be so committed or held to bail, shall immediately after passing such order, question the prisoner whether he wishes to have any witness or witnesses examined in his defence before the court of circuit, and in the event of his answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations and places of abode, to be taken down and recorded upon his proceedings, or in the event of the prisoner's replying in the negative, shall cause his reply to that effect to be recorded on his proceedings, for the information of the court of circuit.

Prisoner to be questioned at the time of his being committed or held to bail, and his answer recorded on the judge's proceedings, with specification of any witnesses named by him.

XIV. In the event of any person, whether committed or held to bail for trial before the court of circuit, at any time before the session of that court, desiring the examination of any witness or witnesses upon his trial, although the same may not have been named by him at the time of his being committed or held to bail, the criminal judges are to be careful to cause the attendance of such witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.

Any witnesses named before the arrival of the court of circuit, to be summoned to attend the trial before that court.

XV. All examinations taken before the criminal judge are to be written on separate papers, signed by the deponents, attested by the signature of the judge, and arranged according to their respective dates.

Rules respecting examinations taken before the judge.

XVI. All examinations and depositions are to be taken and written in the language in which the deponents may desire to have the same recorded, and the criminal judges shall in all cases of commitment, and in such cases only, accompany all papers written in the native languages, with a translation in the Persian language, which translation is to be compared with the original by the officers of the court of circuit.

Depositions to be taken and written in the language in which the deponents may desire; papers to be accompanied by a Persian translate in cases of commitment only.

XVII. The criminal judges, upon receiving notice from the judges of the courts of circuit of the time by which they expect to arive at their respective stations, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the court of circuit, under the penalty of forfeiting their recognizances in the event of their not attending. The judges shall send a copy of this publication to the magistrates of the zillas, who shall cause a copy of it to be fixed up in some public place in the principal town or village in each district in their respective zillas.

Notice that the criminal judges are to give of the time by which the judges of circuit expect to arrive at their stations.

XVIII. The criminal judges, previous to the arrival of the courts of circuit at their respective stations, shall again ascertain from the persons committed or held to bail to take their trial, the names or places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process, to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Judges to be careful to cause the witnesses on the part of persons committed, or held to bail to take their trial, to be in attendance by the time of the arrival of the courts of circuit.

XIX. The

Form of the calendar of the priſoners committed or held to bail to take their trial, to be ſubmitted by the judge to the courts of circuit upon their arrival at their reſpective ſtations.

XIX. The criminal judges are to have in readiness to deliver to the judges of the courts of circuit upon their arrival at their respective places of residence, a calendar in the English and Persian languages, according to the form prescribed in No. 4. of the appendix to this Regulation.

Documents which are to accompany the calendar.

XX. The calendar is to be accompanied with the criminal judges proceedings on each charge, which shall contain the following vouchers, or as many of them as from the nature and circumstances of the case may be requisite and procurable, with such other papers and documents as the judge may have in his possession or judge necessary to be obtained for the information of the court of circuit.

1st. An attested copy of the complaint or charge.

2d. An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount or computed value of it.

3d. The name or names of the person or persons apprehended.

4th. The examination of the person or persons apprehended.

5th. The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

6th. A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance, and those who are absent, with the cause of the non-attendance of the latter.

7th. The depositions of the witnesses who may have been in attendance.

8th. The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance, and such as are absent, and the cause of the non-attendance of the latter.

Further documents to be produced if required.

XXI. The following documents shall also be delivered, if required by the judges of the courts of circuit.

1st. The prosecutor's recognizance to appear and prosecute to the charge.

2d. The recognizances of the prosecutor's witnesses.

3d. A copy of the magistrate's warrant or summons for the apprehension or appearance of the offender.

4th. A copy of such examinations as may have been taken by the magistrate, or by any police officer under him.

Magiſtrates to furniſh the courts of circuit with the original returns of the nazir reſpecting ſummonſes to witneſſes not in attendance;—both nazir and perſon deputed, to attend the court of circuit.

XXII. The list of witnesses shall further be accompanied with the original returns made to the criminal judge by the nazir, and person deputed on his part to serve the summons on any witness who may not be in attendance; and the nazir and person so deputed on his part, shall be kept in attendance on the court of circuit to answer any interrogatories which that court may have occasion to put to him, to the end that the court of circuit may be enabled to ascertain the real cause of the non-attendance of any witness by their own inquiry, and to evince to the court of Foujdary Adawlut, in cases referable to that court, that all due measures have been taken to ensure the attendance of the witnesses, both on the part of the prosecutor and the prisoner.

Two further calendars herein ſpecified to be ſubmitted by the judges to the courts of circuit.

XXIII. The criminal judges are to lay before the courts of circuit, upon their arrival at their respective places of residence, two separate calendars, the first containing a list of all persons whom they may have discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail to take their trial for the crime or misdemeanor charged against them, and accompanied with their reasons for having released them, as prescribed in Section IX. of this Regulation. The second comprising a list of the persons whom they may have punished for crimes or misdemeanors cognizable by them, the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them; these calendars shall be in the form prescribed in Nos. 11. and 12. of the appendix to Regulation IX, 1816, and are to be accompanied with all the original papers and proceedings in each case; and if the court of circuit shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified

What papers and proceedings are to accompany theſe calendars.

specified in the second calendar, punished upon insufficient grounds, the judges of those courts are hereby authorized, whenever any case so brought before them may appear not to have been sufficiently investigated, and a further inquiry may be practicable and requisite for the ends of justice, to direct such additional inquiry to be made by the criminal judge, and the result to be communicated to the judges of the court of circuit collectively for their orders on the case.

The judges of circuit are authorized, whenever any case may appear not to have been sufficiently investigated, to direct a further inquiry to be made by the judge, and the result to be communicated to the court of circuit collectively for their orders.

XXIV. Two or more judges of a court of circuit forming a court at the sudder station, are hereby declared competent, on all occasions when it may appear necessary upon petitions presented to them relative to the proceedings of any criminal judge, or of an assistant to a judge within their jurisdiction, to call upon the judge for his proceedings, or those of his assistant on the case, and to pass such orders thereupon as they may deem proper and consistent with the Regulations.

Two or more judges of a court of circuit competent to call for the proceedings of a criminal judge or his assistant, on occasion of petitions being presented to them relative to such proceedings, and to pass such orders thereupon as may be proper.

XXV. In like manner the court of Foujdary Adawlut are declared competent to call for the proceedings of any court of circuit, or of any criminal judge or assistant to a judge, whenever it may appear requisite, and to pass such orders thereupon as that court may deem just and proper.

The Foujdary Adawlut competent to call for the proceedings of the courts of circuit and of the criminal judges whenever requisite, and to pass such orders upon them as may appear proper.

XXVI. If the criminal judge shall commit any zemindar, independent talookdar, or other actual proprietor of land to be tried before the court of circuit, he is to notify the commitment to the collector of the zilla, that if necessary he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

Judge to notify the commitment of proprietors of land to the collector of the zilla.

XXVII. The jail of the zilla shall be placed under the exclusive charge of the criminal judge of the zilla.

The zilla jail placed under charge of the judge.

XXVIII. The criminal judge shall visit the jail at least once in every month, and redress all well founded complaints of ill-treatment which may be preferred to him by the prisoners against the jailor or any officer having charge of them; he is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

Judges how often to visit the jail, to redress all well founded complaints; to attend to the health and cleanliness of the prisoners.

XXIX. Separate apartments in the jail shall be allotted for the following descriptions of prisoners.

Descriptions of prisoners ordered to be confined in separate apartments.

1st. Prisoners under sentence of death.

2d. Prisoners sentenced to confinement by a criminal judge, by the court of circuit, or the Foujdary Adawlut.

3d. Prisoners committed to take their trial before the court of circuit.

4th. Prisoners sentenced to confinement by the magistrate for petty crimes or misdemeanors cognizable by him. And as the crimes proved or alleged against the second and third descriptions of prisoners must be of different degrees of atrocity, the criminal judges are required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of, or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent their having any communication with each other, and the rules prescribed in this section for keeping apart the several descriptions of the former, are to be considered applicable also to the latter. The judges are further enjoined to endeavour to prevent drunkenness, gaming and other immoralities being practised in the jails.

Further descriptions of prisoners to be confined in separate apartments.

Female to be kept separate from male prisoners in all cases.

XXX. All complaints or charges, with the orders upon them, are to be recorded in the office of the criminal judge, in the English and language of the district in which the court may be held.

Charges and the orders passed upon them by the judge, to be recorded in the English and language of the district.

XXXI. The criminal judges are to pay the customary daily subsistence money to all prisoners, from the time of their being delivered over to them to the date of their discharge.

Judges to pay the customary diet money to prisoners.

XXXII. The criminal judges are to pay to all persons who may be released from jail after an imprisonment of six months or upwards, calculating from the date of their sentences, and who shall appear to be in actual need of such assistance, a sum sufficient

The judges are to pay to persons released after a confinement of six months or upwards, a sum sufficient for a

month's subsistence if they stand in need of it, but it is in no case to exceed five rupees.

sufficient to maintain them for one month. The sum to be so paid to each individual is to be regulated by his situation in life, but it is in no case to exceed five arcot rupees, and in every instance is to be confined as much within that amount as may be consistent with the purpose for which the allowance is granted.

Judges to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the court of circuit.

XXXIII. The criminal judges are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas of a rupee each during their attendance on the court of circuit, and the same allowance for as many days as in their opinion may be sufficient for such prosecutors and witnesses to come from and return to their respective homes.

Amount of fines imposed how to be disposed of.

XXXIV. The provisions of Section XXXIX, Regulation IX, 1816, respecting the imposition and disposal of fines by the magistrate, are hereby declared equally applicable to the office of criminal judge.

Judges to transmit the quarterly reports herein required.

XXXV. The criminal judges are to transmit to the register of the Foujdary Adawlut, quarterly reports on the 1st of January, 1st of April, 1st of July and 1st of October, drawn out according to the forms prescribed in Nos. 5, 6, 7, 8. and 9. of the appendix to this Regulation, which shall contain the several particulars therein specified. The reports for each quarter are to be dispatched from the several stations, so as to arrive at Madras by the twentieth of the first month of the ensuing quarter.

As also further reports after each jail delivery, as herein specified.

XXXVI. The criminal judges are to transmit to the register to the Foujdary Adawlut, within twenty days after the judges of circuit have finished the business of the circuit or jail delivery at their respective stations, reports according to the forms prescribed in Nos. 10. and 11. of the appendix to this Regulation, which shall contain the several particulars therein specified.

Judges to submit in the month of January an annual report to the Foujdary Adawlut, containing the particulars herein specified.

XXXVII. The criminal judges are to transmit to the Foujdary Adawlut, in the month of January of each year, an annual report of all criminal cases depending before them or their assistants respectively, on the 31st of the preceding month of December, according to the form prescribed in No. 12. of the appendix to this Regulation, which shall contain the several particulars therein specified.

Referred cases herein specified made cognizable by the criminal judge.

XXXVIII. Such cases as come under Section XIII, Regulation I, 1808; Sections XXIII. and XXIV, Regulation I, 1812; and Sections XX. and XXI, Regulation III, 1812; which may be referred under Section XLV, Regulation IX, 1816, by the magistrate to the criminal judge, shall be cognizable by him under the limitations with regard to punishment which are prescribed by the sections above specified respectively.

The provisions of certain sections made applicable to the criminal judge.

XXXIX. Such parts of Section XXIII, Regulation II, 1802; Section XI, Clause VI, Section XVIII, Sections XXVIII, XXX, XXXII. and XLI, Regulation VII, 1802; Sections XIII, XVIII. and XXIV, Regulation VIII, 1802; Clause VI, Section II, Clause IV, Section VIII, and Section XI, Regulation XV, 1803; and Section III, Regulation VI, 1808, as refer to the magistrate, are hereby declared to be applicable to the criminal judge only.

Criminal judges to take the prescribed oath as justices of the peace.

XL. The criminal judges of the several zillahs who have not already taken the prescribed oath of qualification to act as justices of the peace of their respective districts, are required to do so within three months from this date, and all persons hereafter appointed to the station of criminal judge are required to take the said oath within three months from the date of their appointment.

APPENDIX.

No. 1.

FORM of Oath to be administered to the Criminal Judges.

I, *A. B.* appointed criminal judge of the zilla of solemnly swear, that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, reward or emolument whatsoever, in the execution of, or on account

of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

So help me God.

No. 2.

FORM of Oath to be administered to the Assistants to the Criminal Judges.

I, *A. B.* assistant to the criminal judge of the zilla of solemnly swear, that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, emolument or reward whatsoever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

So help me God.

No. 3.

FORM of Bail Bond.

Whereas inhabitant of stands charged with and has been admitted to bail by the criminal judge of on condition of his appearance to stand his trial on the said charge before the court of circuit for the division of I hereby bind myself to produce the said before the said court of circuit at their next session for the zilla of on the date whereupon his appearance may be required, either by a general proclamation or by a special notice from the judge, and to be answerable for his appearance before the court of circuit until a final sentence be passed upon the said charge; in default whereof I further bind myself to forfeit to Government the sum of rupees In this I will not fail. Dated

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No. 4.

CALENDAR of the Prisoners committed or held to bail by the Criminal Judge of the Zilla of to take their trial before the Court of Circuit for the Division of

No.	Names of the parties.	Abstract of the charges, and date on which they were preferred.	Date of the apprehension of the offenders.	Names of the prosecutors witnesses.	Abstract of the examination, grounds and date of commitment for trial.	Names of prisoners held to bail.	Names of the witnesses on the part of the prisoners.

No. 5.

REPORT of Persons apprehended in the Zilla of and delivered to the Criminal Judge in the months of January, February and March 181 .

No.	Names.	Abstract of the crime or charge.	Date of apprehension.	Punished, and in what manner.	Released, or if allowed a fine.	Committed, and the date of commitment.	Before what Court of Circuit to be tried.

ABSTRACT.

Punished - - - - - - -	—
Committed - - - - - - -	—
TOTAL - - -	—

Note.—If before the close of the quarter a greater number of persons charged with crimes may be brought before the criminal judges than they are able to examine and proceed with as prescribed previous to the expiration of it, the judges in such cases are to insert the names of persons in that predicament in the above report of persons apprehended, in an additional column, under the head of "not examined."

No. 6.

REPORT of Casualties, and of Prisoners released in the Zilla of in the months of January, February and March 181 .

No.	Name.	Crime.	Removal, and to what places and when.	Natural death, and when.	Escaped, and when.	Released, and when.

No. 7.

REPORT of Sentences of the Foujdary Adawlut, received in the first Quarter, ending the 31st of March 181 .

No.	Name.	Date of commitment.	Crime.	Date of reference.	Sentence.	Sentence when passed.	When enforced.

ABSTRACT.

Death - - - - - - -	—
Imprisonment for life - - -	—
Temporary Imprisonment - - -	—
Stripes - - - - - -	—
Released - - - - - -	—
TOTAL - - -	—

No. 8.

REPORT of Prisoners under the charge of the Judge, to be tried on the 31st of March 181 .

No.	Name.	Crime.	Date of commitment.	At large upon bail.	In Jail.

ABSTRACT.

In confinement - - - - - -	—
At large upon bail - - - - -	—
TOTAL - - -	—

No. 9.

REPORT of Prisoners tried, and whose cases have been referred to the Foujdary Adawlut, and on whom the sentence of that Court has not been received.

No.	Name.	Date of commitment.	Crime.	Date of the trial.	When referred.

ABSTRACT.

Referred in former Quarters - -	—
Referred in the present Quarter - -	—
TOTAL - - -	—

31st March 181 .

No. 10.

REPORT of Prisoners on whom Sentence has been passed by the Court of Circuit for the Division of in the first sessions of 181 , without reference to the Foujdary Adawlut.

No.	Name.	Date of commitment.	Crime.	Date of the trial.	Sentence.	Sentence. when passed.	When enforced.

ABSTRACT.

Punished with Stripes - - - - -	—
Imprisoned - - - - - - -	—
Fined - - - - - - -	—
Released - - - - - - -	—
TOTAL - - -	—

No. 11.

REPORT of Prisoners confined under Sentence to the of

No.	Name.	Imprisonment for life.	Temporary imprisonment.	Date of commitment.	Sentence when passed.

ABSTRACT.

Imprisonment for life - - - - —
Temporary imprisonment - - - —
TOTAL - - - —

No. 12.

REPORT of Criminal Cases depending before the Criminal Judge of the Zilla of and his Assistant, on the 31st December

No.	Names of the accused.	Whether in confinement or under bail.	Crime charged.	Date of charge.	Date of apprehension or first appearance of the accused.	Explanations of considerable delay, or other remarks.

A. D. 1816. REGULATION XI.

A REGULATION for the establishment of a general system of Police, throughout the territories subject to the Government of Fort St. George.—Passed by the Right honourable the Governor in Council of Fort St. George, on the 13th of September 1816; corresponding with the 31st Auvanee of the year Dauloo 1738th year of Saliwahn, and with the 20th Shavaul 1231 Hijeree.

Preamble.

IT being expedient that a system of police founded chiefly upon the ancient usages of the country, should be established throughout the territories subject to the Government of Fort St. George, and that the powers and authorities of the several classes of persons to be entrusted with the performance of police duties should be defined; the Right honourable the Governor in Council has been pleased to enact the following rules.

Regulations rescinded.

II. Regulation XXXV, 1802, and Section XII, Regulation IV, 1808, are hereby rescinded.

Present establishment of police darogahs and tanahdars abolished.

III. The present establishments of police darogahs and tanahdars shall from the first day of November 1816, be abolished, and the duties heretofore discharged by those persons shall be performed by persons of the descriptions hereinafter mentioned.

The persons by whom police duties are hereafter to be discharged.

1. Heads of villages as described in Section III, Regulation IV, 1816, aided by curnums or village registers, and tallyars and other village watchers.

2. Tahsildars, or native collectors of districts, by whatever name designated, with the assistance of peshkars, gomashtas, and establishments of peons.

3. Zemindars.

4. Ameens of police.

5. Cutwals and their peons.

6. Magistrates of zillas and their assistants.

IV. Heads of villages shall be ex officio heads of the police of their respective villages.

Heads of villages to be heads of police in their villages.

V. *First.*—Heads of villages are authorized and directed to apprehend all persons charged with committing crimes or offences, or breaches of the peace, and all persons accused of injuring the public buildings, roads, tanks and water channels; and except in the trivial cases, wherein they are authorized by Section X. of this Regulation to inflict punishment, they shall forward the persons whom they may apprehend, together with the accusers and witnesses, to the police officer of the district.

Heads of villages to apprehend offenders and forward them to the police officer of the district.
Exception.

Second.—Heads of villages shall not receive from any person whom they may apprehend any confession either verbally or in writing, except in the trivial cases referred to in the preceding clause; nor shall they on any account, except the accused person be in such a state as to render his removal improper, detain any person in their custody longer than twenty-four hours.

Heads of villages not to receive confessions.
Nor to detain any person in their custody longer than twenty-four hours.

VI. In cases of emergency, the head of the village is authorized to call upon the inhabitants generally to assist him in securing offenders, and all the inhabitants of the village are hereby required to co-operate with him on such occasions, provided that no person who is prohibited by the rules of his cast or profession from performing such service, shall be compelled so to do.

Heads of villages authorized to call upon the inhabitants generally for assistance.
Proviso.

VII. If heads of villages shall be unable with the persons at their command, and the people of their own villages, to apprehend the parties accused, they shall have authority to call on the heads of neighbouring villages for assistance, and all heads of villages are hereby required to afford the most prompt assistance whenever they may be called upon by their neighbours so to do.

Heads of villages authorized to call on the heads of neighbouring villages for assistance.

VIII. Heads of villages shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's villages, and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Heads of villages to communicate to each other information on subjects connected with the peace of their respective villages.

IX. Heads of villages shall report to the police officer of the district, the arrival in their villages of strangers of suspicious appearance, and all information which they may be able to collect concerning such persons.

Heads of villages to report to the police officer of the district the arrival of suspicious persons in their respective villages.

X. *First.*—In cases of a trivial nature, such as abusive language and inconsiderable assaults or affrays, heads of villages shall have authority on a verbal examination, either to dismiss the parties, or if the offence charged shall be proved to have been committed by the persons accused of it, and shall appear deserving of punishment, to confine the offending parties in the village choultry for a time not exceeding twelve hours, or if the offending parties shall be of any of the lower casts of the people on whom it may not be improper to inflict so degrading a punishment, to order them to be put in the stocks for a time not exceeding six hours.

Heads of villages authorized to inflict punishment in certain cases.
Limitation of punishment.

Second.—Heads of villages shall report to the police officer of the district, all cases in which they shall have exercised the power of punishment granted to them by the first clause of this section, but it shall not be necessary for them to report the cases in which they may dismiss parties.

Heads of villages to report to the police officer of the district all cases wherein they have inflicted punishment.

XI. *First.*—Where heads of villages may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made, and the property if found to be secured and forwarded with the offender to the police officer of the district. If the place of concealment be a dwelling house, the search shall be made only between sun-rise and sun-set.

Heads of villages how to proceed on receiving information of stolen property.

Second.—Heads

Heads of villages to apprehend and ſend to the police officer of the diſtrict, all perſons found ſelling property ſuſpected to be ſtolen.

Second.—Heads of villages shall apprehend and send to the police officer of the district, all persons who may be found selling property which there may be reasonable ground to suspect has been stolen, and of which such persons may not be able to give a satisfactory account.

To ſend alſo to the police officer the perſons acquainted with the circumſtances of the caſe.

Third.—Heads of villages shall also send to the police officer along with the persons accused of selling stolen property, such persons as may be able to give an account of the circumstances of the case.

Heads of villages to take charge of all ſtrays, and to report each caſe to the police officer of the diſtrict.

XII. Heads of villages shall take charge of all stray cattle, horses, sheep, and other strays of which the owners may not be known, and shall report each case to the police officer of the district.

Heads of villages how to proceed on the diſcovery of dead bodies.

XIII. *First.*—The head of the village, on receiving information of the discovery of the body of a person supposed to have been murdered, shall immediately proceed to the spot with the curnum and two or three respectable inhabitants, in whose presence he shall examine every person who may be able to afford any information regarding the discovery of the body and its appearance when discovered, or regarding the murder of the deceased, if the body should have been deprived of life by murder.

Heads of villages to ſend notice of the diſcovery of dead bodies to the police officer of the diſtrict.

Second.—The head of the village, on receiving information of the discovery, shall also without delay send notice of it to the police officer of the district, and if the police officer shall arrive at the spot in time to inquire into the circumstances under which the body may have been discovered, the inquiry shall be conducted under his superintendence.

Heads of villages how to proceed if the police officer ſhould not appear to conduct the inquiry.

Third.—If the police officer should not appear to conduct the inquiry, the head of the village shall cause the curnum to take down in writing the evidence of the persons who may be examined, and to record any necessary particulars respecting the appearance of the body, and to frame a report of the whole proceedings. The head of the village shall attest such report with his signature, and having procured it to be attested by two or more of the inhabitants who may be present at the investigation and by the curnum, he shall forward it to the police officer of the district, with the evidence he may have taken.

Heads of villages to apprehend and ſend to the police officer of the diſtrict any perſon ſuſpected of committing the murder.

Fourth.—If on the proceedings of the head of the village, there shall in any case appear ground for suspecting any person or persons who may be within his jurisdiction of having committed the murder, the head of the village shall immediately apprehend and send such person or persons to the police officer of the district.

Regiſters of perſons confined by heads of villages to be kept by curnums; and tranſmitted monthly to the police officer of the diſtrict.

XIV. Curnums shall keep registers according to the following form, of persons confined by the heads of villages under Section X. of this Regulation, and these registers shall be transmitted monthly by the heads of villages to the police officers of their respective districts, to be forwarded to the magistrate.

Form of regiſter.

REGISTER of Persons punished in the village of in the month of

No.	Name.	Offence.	Punishment.	Date.
1.	Mootoo - -	Drunken Riot -	{Confinement in the Stocks for six hours - - - -}	1st.
2.	Veeran - -	Abusive language -	12 Hours confinement - -	2d.
3.	Syed Hussain	Aſſaulting a Woman	12 Hours confinement - -	3d.

Village watchers to perform police duties.
Not to make compenſation for loſſes by theft.

XV. Village watchers, by whatever local name distinguished, shall perform their customary police duties under the immediate authority of the heads of their respective villages, but they shall not be called upon to make compensation for losses by theft.

Village watchers to be appointed to villages where none exiſt.
From what claſſes of perſons to be ſelected.

XVI. In villages where the office of village watcher does not exist, and where it appears that the duty cannot be discharged by any of the other village servants, village watchers shall be appointed by the magistrate, and shall as far as possible be selected from the Dhers, Beders, and other casts best qualified for police duties.

XVII. *First.*—The

XVII. *First.*—The office of village watcher wherever it may be found to exist, and wherever it may be hereafter created under the provisions of the preceding section, shall be hereditary.

The office of village watcher to be hereditary.

Second.—Upon the death of any village watcher, the head of the village shall report the same to the police officer of his district for the information of the magistrate, and also the name of the person who may have succeeded by inheritance to the office.

Death of village watchers to be reported to the police officer of the district; and the name of the ſucceſſor to the office.

XVIII. Village watchers appointed under Section XVI. of this Regulation, shall be entitled to receive such allowances in land, grain or money, as Government may allot for their maintenance, and the allowances thus made shall be hereditary in their families.

Allowances made to the village watchers appointed under Section XVI, to be hereditary.

XIX. *First.*—No village watcher shall be deprived of his office, but by the sentence of the magistrate or of a superior judicial authority, and in such case the heir of the person so deprived of his office shall succeed to it.

Village watchers to be deprived of office only by ſentence of the magiſtrate, or a ſuperior authority.

Second.—In failure of heirs on the death or dismissal of a village watcher, the magistrate shall appoint a person to the office.

The magiſtrate to appoint to the office of village watcher on failure of heirs.

XX. Village watchers shall be liable, for neglect of duty, to be suspended from the office by the magistrate, for a period not exceeding six months.

Village watchers liable to be ſuſpended for neglect of duty.

XXI. Village watchers shall apprehend persons whom they may discover committing any criminal act or breach of the peace, and carry them before the head of the village. They shall likewise apprehend and carry before the head of the village all persons charged with committing offences or breaches of the peace, and shall require the prosecutor to accompany them.

Village watchers to apprehend and carry before the head of the village, perſons found or accuſed of committing offences

XXII. Village watchers shall report to the curnum and the head of the village, all suspicious persons, either residing in or passing through the village.

Village watchers to report ſuſpicious perſons to the curnum and head of the village.

XXIII. Village watchers shall likewise report to the curnum and head of the village, all information which they may obtain connected with the peace and good order of the village, and they shall, in all things connected with their duty, obey such orders as they may receive from the heads of their respective villages.

Village watchers to give information of all that concerns the peace and good order of the village.

XXIV. Cutwals and their peons, wherever it may be necessary to employ them, shall be subject to the authority of the tahsildars and heads of villages, and shall be directed by their orders in all police duties, in furnishing supplies for travellers, and in the maintenance of the peace.

Cutwals and their peons to be ſubject to the tahſildar and head of the village.

XXV. *First.*—Tahsildars, or native collectors of districts, by whatever name designated, shall ex officio be heads of the police of their respective districts; they shall be charged with the maintenance of the peace, and they shall report to the magistrate all acts which they may do, and all material information which they may receive connected with their police duties.

Tahſildars, or native collectors of diſtricts, to be ex officio heads of the police of their reſpective diſtricts.

Second.—The peshkars, gomashtas and peons who are or may be employed under tahsildars of districts, shall perform the duties of police as well as revenue duties, and they shall be considered officers of police as well as revenue servants.

The revenue ſervants to perform police as well as revenue duties.

XXVI. *First.*—Tahsildars shall render all possible assistance to the village police on or for the apprehension of offenders.

Tahſildars to aſſiſt the village police.

Second.—They shall also send peons to markets, fairs, and other public meetings in their district, in order to preserve the peace.

Tahſildars to ſend peons to markets, &c.

XXVII. *First.*—Upon a complaint being made to a tahsildar of any murder, robbery, housebreaking, theft of a considerable amount or attended with aggravating circumstances, setting fire to a house or other buildings, counterfeiting the coin, or other heinous offence, he shall make such inquiries as may be necessary to ascertain whether any credit be due to the accusation, and if it shall appear to be worthy of credit, he shall immediately make every exertion to apprehend the person or persons who may be accused, or to whom suspicion may attach of having committed the offence.

How to proceed on information of heinous offences.

Second.—When the accused or suspected persons shall be brought before the tahsildar, he shall take down in writing, in their presence, the depositions of the witnesses who may be present, and if, in the course of the inquiry, it shall appear

What evidence to be taken in thoſe caſes by tahſildars.

that there are other persons who may be able to give evidence material to the case, he shall summon such persons and take their depositions.

Tahsildars may receive confessions of prisoners.

Third.—The tahsildar shall also receive the confession of the prisoner in any case in which the prisoner may make a free and voluntary confession, and cause the same to be reduced to writing and signed, or if the prisoner should be unable to write, marked by the prisoner, in the presence of two or more respectable persons not being servants of the Government.

Tahsildars to forward their proceedings to the criminal judge.

Fourth.—So soon as the tahsildar shall have finished the investigation, which shall be completed within forty-eight hours if possible, he shall forward his proceedings, with the prisoner and witnesses, to the criminal judge of the zilla, with a report in the following form.

REPORT of the Tahsildar of respecting the Prisoner charged with

Name of prisoner.	Crime.	Date of charge.	Date of apprehension.	Name of prosecutor.	Names of witnesses.	List of Depositions.
Chinna.	Murder.	1st Jan.	5th January.	Abdullah.	Ameer, Ramasawmy.	1 Depositon of prisoner. 2 Ditto of prosecutor. 3 Ditto of Ameer. 4 Ditto of Ramasawmy.

Date. Signature of the Tahsildar.

Note.—If a delay of more than forty-eight hours should occur, an explanation of the cause of such delay is to be stated at the bottom of the report.

The judge to certify on the back of the paper the receipt of the prisoner and documents.

Fifth.—The criminal judge shall immediately on the receipt of such paper, certify on the back of it, whether or not the prisoner and documents have been received, and shall return it by the police peons to the tahsildar, and no other communication shall be necessary.

Tahsildar how to proceed if a prisoner shall in his confession criminate another person.

XXVIII. If a prisoner should in his confession made before a tahsildar, criminate another person, the tahsildar shall secure such person, and provided the accusation be corroborated by any persons who may appear or be brought by summons before the tahsildar, he shall forward such accused person to the criminal judge, together with the witnesses and his proceedings in the case, as is directed in the preceding section.

How the tahsildar is to proceed on persons charged with heinous offences being sent to him by heads of villages.

XXIX. Upon the arrival of persons charged with any heinous offence, who may have been apprehended and forwarded to the tahsildar by heads of villages, tahsildar shall proceed as directed in the two foregoing sections.

Officers of police or others maltreating a prisoner or witness, how punishable.

XXX. Any officer of police or other person maltreating a prisoner or witness for the purpose of obtaining information or confession, shall be subject to punishment by the magistrate according to the nature of the case, and should the offence be of an aggravated nature, the party offending shall be forwarded to the criminal judge, to be punished by him or committed for trial before the court of circuit.

Tahsildars how to proceed in certain bailable cases.

XXXI. In cases of bailable offence or misdemeanor which shall not appear to require the immediate apprehension of the party accused, the tahsildar shall summon him in writing and take his declaration, and if necessary, the depositions of any witnesses to the truth of the charge; he shall then take security for the appearance of the party accused, together with the accuser and witnesses, on a stated day, before the magistrate, to whom he shall immediately report the case and transmit the depositions.

Bail not to be required in trivial cases.
Exception.

XXXII. *First.*—In trivial offences bail shall not be required, unless there is reason to believe that the party accused means to abscond.

Tahsildar to dismiss trivial complaints in certain cases.

Second.—If the charge in such cases shall appear groundless, or if the parties shall agree in writing, the plaintiff to withdraw and the defendant to permit the withdrawing of the complaint, the writing being attested by two creditable witnesses, the tahsildar shall dismiss the complaint without making any report thereof to the magistrate.

XXXIII. *First.*—Where

XXXIII. *First.*—Where complaints of offences of a trivial nature, such as are specified in Section X. of this Regulation, may be preferred to a tahsildar in the first instance, he shall inquire into the same, and if the offence be proved, he shall have authority to punish the offender by imposing on him a fine not exceeding one rupee, or by confining him in the choultry for a time not exceeding twenty-four hours, or if he shall be of any of the lower casts of people, by putting him in the stocks for a time not exceeding six hours.

Tahsildars how to proceed on complaint of offences specified in Section X.

Second.—The tahsildar shall keep registers of punishments according to the form prescribed in Section XIV. of this Regulation, to be forwarded monthly to the magistrate.

To forward monthly registers of punishments to the magistrate.

XXXIV. Tahsildars of districts shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts, and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Tahsildars to communicate to each other, information on subjects connected with the peace of their respective districts.

XXXV. *First.*—Tahsildars and the officers acting under them shall have authority to pursue offenders into whatever district or zilla they may fly, and to require the officers of police in such district or zilla, and if necessary the inhabitants in general, to assist them in securing the offenders, and such police officers and inhabitants shall immediately afford the required assistance. Tahsildars and other police officers apprehending persons within a different zilla from that to which they belong, on a warrant from a magistrate or in consequence of a pursuit on a hue and cry raised against such persons, shall bring them before the magistrate of the zilla in which they may be apprehended, and report the cause of the seizure of such persons. If such persons shall be appehended under a warrant issued by the magistrate of another zilla, and the magistrate of the zilla in which they may be apprehended shall be satisfied of the identity of such persons with those intended by the warrant, he shall affix his signature to such warrant, which shall be a sufficient authority for the police officers to convey the offenders from the zilla in which they may be apprehended to the magistrate in whose jurisdiction the offence may have been committed. But if the persons apprehended and brought before such magistrate shall appear not to be those intended by the warrant, he shall forthwith cause them to be released.

Police officers to pursue offenders into any district or zilla.

Magistrate how to proceed on the offenders being brought before him on a warrant.

Second.—If the parties shall be apprehended without a warrant on information given to the police officers, or on hue and cry, the magistrate within whose jurisdiction they may be apprehended shall investigate the case, and if he shall be satisfied that there is sufficient cause for bringing the parties before the magistrate in whose jurisdiction it may be alleged that they have committed offences, he shall forward them with a letter to such magistrate; but if the magistrate shall be satisfied that the alleged offence or offences have not been committed, or that there is no ground to suspect the persons apprehended to have been concerned in committing such offence or offences, he shall forthwith cause them to be discharged.

Magistrate how to proceed on offenders being brought before him without a warrant.

XXXVI. The tahsildar, in all cases of murder within his district, shall himself if possible proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

Tahsildars in all possible cases to proceed to the spot where a murdered body may be found.

XXXVII. Where tahsildars may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made, and the property if found to be secured and forwarded with the offender to the magistrate. If the place of concealment be a dwelling house, the search shall be made only between sun-rise and sun-set.

Tahsildars how to proceed on receiving information of stolen property.

XXXVIII. In districts where from the land rent being paid directly to the collector there may be no tahsildars, the magistrate shall grant to the most respectable native revenue servant employed in the collection of the customs or other dues of Government, the same police authority as is vested in tahsildars. But in the ancient zemindaries whose revenues have always been under the exclusive management of the zemindars themselves, the magistrate shall not establish any police officer, except in such places as darogahs may have already been established, without the previous sanction of the Governor in Council.

When there may be no tahsildar, the magistrate empowered to entrust the same police authority to other revenue servants.

No police officer to be established in certain zemindaries without the sanction of Government. Exception.

XXXIX. Magistrates

Magiſtrates in certain caſes to veſt zemindars with police authority.

XXXIX. Magistrates are authorized to grant upon their own responsibility, to zemindars who may be desirous of acting as heads of police and whom they may consider to be qualified for the office, sunnuds to act as such within the limits of their respective zemindaries only. The magistrate shall prescribe to the zemindars in their commissions, the whole or such part of the duties and authority vested by this Regulation in tahsildars, as they may deem proper.

Ameens of police to be appointed in large towns.

XL. In large towns where it may be found that the police duties cannot be conducted by the head inhabitant, the magistrate shall appoint a person to act as ameen of police, either immediately under his own orders or under the tahsildar of the district, and either with the police powers vested in heads of villages or with those vested in tahsildars by this Regulation, as may appear expedient.

Aſſiſtant collectors to be charged with police duties in certain towns.

XLI. In towns where from the resort of Europeans, the employment of a native as ameen of police may be found insufficient, an assistant magistrate shall be stationed, and shall within his jurisdiction have the same police authority as is granted to the magistrate by this Regulation, or such part of it as may be deemed expedient by the magistrate.

Limitation of time for the admission by police officers of petty complaints. Such complaints may be received by the magiſtrate at all times.

XLII. No police officer shall entertain complaints of petty offences, unless such complaints shall be preferred within three months from the date of the act complained of. It shall be at the option of the parties however to prefer complaints of such petty offences to the magistrate at any time, and if the delay shall be shewn to have been unavoidable, the magistrate shall have authority to receive and investigate such complaints.

Perſons tendering property for ſale or pawn under ſuſpicious circumſtances, to be arreſted.

XLIII. All persons are authorized and directed to secure strangers or suspicious persons who may be found offering property for sale, or in pawn, at a price evidently below its real value, or removing property under suspicious circumstances at an unseasonable hour of the night, and to bring them with the least possible delay before the police officer of the jurisdiction in which the offence may be committed.

Police officers liable to proſecution for abuſe of authority.

XLIV. *First.*—For extortion, oppression or other abuse of authority, tahsildars, zemindars, ameens of police, heads of villages and all police officers may be prosecuted by the injured party, either criminally before the magistrate or for damages in the zilla court, provided the charge or complaint shall be preferred within three months from the date of the act complained of.

Proviſo.

Magiſtrate empowered to puniſh police officers for abuſe of authority.

Second.—If the charge shall be preferred to the magistrate and proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by fine not exceeding fifty arcot rupees, or by imprisonment for a term not exceeding one month.

Puniſhment for vexatious proſecution for abuſe of authority.

XLV. Persons preferring complaints or charges under the preceding section, which shall on investigation prove to be false, frivolous or vexatious, shall be punishable by fine not exceeding fifty arcot rupees, or by imprisonment for a term not exceeding one month, to be adjudged by the court by which the complaint or charge may have been tried.

Police officers not to take cognizance of caſes of adultery and fornication.

XLVI. Tahsildars and other police officers acting under them, shall not take cognizance of cases of adultery or fornication.

Magiſtrates charged with the maintenance of the peace of their diſtricts.

XLVII. The magistrates shall be charged with the maintenance of the peace within their respective zillas; and whenever their establishments may be insufficient to resist banditti or other disturbers of the public peace, they shall apply for assistance to the nearest military station, as directed in Section X, Regulation III, 1810.

Police peons to be conſidered revenue ſervants as well as officers of police.

XLVIII. The police establishment which may be transferred to the collectors as magistrates, shall not be considered as distinct from the revenue establishments, but shall be equally employed in police and revenue duties, as occasion may require.

Manufacturers of fire arms to take out licenſes from the magiſtrate.

Puniſhment on omiſſion.

XLIX. The magistrate shall require all manufacturers of fire arms and offensive weapons, to take out licenses from their offices, within a certain day, of which due notice shall be given; and any person who shall be found after that period manufacturing such weapons without licence, shall be liable to be punished by the magistrate, by a fine not exceeding fifty rupees. But nothing in this section shall be construed to prohibit the manufacture of arms, or the inhabitants from keeping them for their defence.

L. Magistrates

L. Magistrates shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts, and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Magistrates to communicate to each other information on subjects connected with the peace of their zillas.

LI. *First.*—The magistrate, and under his orders the tahsildars and heads of villages, shall have authority to prevent the forcible occupation or seizure of lands or crops.

The magistrate and officers under him to prevent forcible occupation or seizure of lands or crops.

Second.—When riotous assemblages are formed in consequence of disputes respecting the right of ploughing any waste or uncultivated lands which may not be in the possession or occupation of any person, the magistrate, and under his orders the tahsildars and heads of villages, shall have authority to determine who shall plough them for the present, in order that cultivation may not be impeded by the land being kept uncultivated while the trial which the parties may seek is depending. But in all the cases specified in this section, the parties shall be at liberty to seek redress from any competent jurisdiction.

On riotous assemblages about ploughing lands not in the occupation of any one, to determine who shall plough them till the dispute be settled.

Third.—The provisions of the two preceding clauses shall be considered as equally applicable to the forcible occupation or diversion of water for cultivation.

The same provisions applicable to the forcible occupation or diversion of water for cultivation.

LII. The strays referred to in Section XII. of this Regulation, of which the owners cannot be found, shall after the expiration of three months be sold by public auction by order of the magistrate, and if within six months more, no person shall appear to claim the proceeds, the amount thereof, after deducting the expences incurred, shall be carried to the credit of Government.

Strays how to be disposed of.

LIII. Magistrates are authorized to determine the rates of hire to be paid in their respective districts by travellers to palankeen bearers, coolies and boatmen, and for draught and carriage cattle; and the rate so determined shall be made public by a table authenticated by the signature of the magistrate, copies [of which shall be kept by the police officers at the several stations in the district, for reference. Provided however, that the resident inhabitants in their ordinary transactions shall not be bound to abide by the rates specified in the tables authenticated as aforesaid.

Magistrates to determine the rates of hire to be paid by travellers to palankeen bearers, &c.

Proviso.

LIV. Magistrates shall have authority to receive complaints regarding frauds committed in using false weights and measures, and in such cases shall proceed as directed in Section XXXII, Regulation IX, 1816.

Magistrates may receive complaints of frauds committed in using false weights and measures.

LV. No order shall be issued to any police officer, excepting by the magistrate of the zilla or his assistants.

No order to be issued to any police officer, except by the magistrate or his assistants.

LVI. The magistrates shall correspond direct with Government in matters of police, whenever they may deem it necessary.

Magistrate to correspond direct with Government when necessary.

A. D. 1816. REGULATION XII.

A REGULATION for authorizing Collectors to refer claims regarding lands or crops, the validity of which claims may depend on the determination of a disputed boundary, as also certain disputes respecting the occupying, cultivating and irrigating of land, to be tried and determined by Village and District Punchayets; and for prescribing the rules under which the trial of such disputes shall be conducted, and the decisions of the Punchayets carried into execution:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 13th of September 1816; corresponding with the 31st Auvanee of the year Dautoo 1738th year of Saliwahn, and with the 20th Shavaul 1231 Hijeree.

THE mode of determining the validity of claims to disputed lands or crops prescribed in Section II, Regulation XXXII, 1802, being considered to be inconvenient to the parties, and the determining, in the adawlut of the zilla, of suits respecting the occupying, cultivating and irrigating of land, which may arise between proprietors or renters and their ryots, in those districts where the land revenue is fixed, either permanently or for a term of years, being also regarded as liable to the

Preamble.

same objections; and it being deemed expedient that further provision should be made for the investigation and determination of such claims, and that collectors should for that purpose be authorized to refer them for trial and decision to village and district punchayets; the Governor in Council has passed the following rules, to be in force in the territories subject to the Presidency of Fort St. George.

Village and diſtrict punchayets authorized to determine ſuits referred to them by collectors.

II. Village and district punchayets are hereby authorized to hear and determine such suits as may be referred to them by the collectors of zillas under this Regulation, through the village and district moonsifs.

Vakeels to be relatives, ſervants or dependants of their employers.

III. Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant to act in their behalf in suits which may be brought before the collectors of zillas under this Regulation, under the same provisions as are prescribed by Clauses second and third, Section XIV, Regulation VI, 1816, for suits before the district moonsifs.

In what caſes perſons may prefer their claims to the collectors.

IV. *First.*—In cases of claims to lands or crops in districts permanently settled or otherwise, the validity of which claims may depend on the determination of an uncertain and disputed boundary or land-mark, and also in cases of disputes respecting the occupying, cultivating and irrigating of land, which may arise between the proprietors or renters and their ryots, in those districts only where the land revenue is fixed, either permanently or for a term of years, persons having such claims may prefer them in person or by vakeel to the collector of the zilla in which the lands may be situated.

What the plaint is to contain, if for land.

Second.—The plaint, if for land, shall contain as accurate a description as can be obtained of the land claimed, its position, boundaries, extent and the value of its estimated annual produce, also whether it be subject to the payment of rent or revenue, or whether it be exempt from any charge on these accounts, also the time when the cause of action arose, the name and residence of the person or persons complained against, and all material circumstances which may elucidate the transaction.

What the plaint is to contain, if for water.

Third.—If the plaint be for water, it shall, with regard to the land to be watered, state the above particulars, and in addition thereto, the custom of the village relative to the irrigation of the land in question.

Summons to the defendant to be iſſued. Contents of the ſummons.

V. *First.*—The collector, on receiving a complaint preferred under the preceding section, shall issue a summons to the defendant, containing a short abstract of the complaint, and shall require the defendant to appear at the cutcherry of the collector, in person or by vakeel, on a day specified, to make answer to the complaint.

How to be atteſted and ſerved.

The summons shall be attested by the seal of the collector, and his official signature or that of his assistant, and shall be served by a single peon of the collector's establishment.

Peon how to proceed.

Second.—The collector's peon shall require the defendant to affix his signature to the summons in acknowledgment of its having been duly served; and in the event

Refuſal to acknowledge the ſummons how to be atteſted.

of the defendant refusing to affix his signature thereto, the peon shall call upon some of the village officers or neighbours of the defendant to witness such refusal, and to attest the endorsement of it, which he shall make on the summons, and shall return the same to the collector on or before the day fixed for such return.

How the collector is to proceed if a defendant is not to be found, or refuſe to acknowledge the ſummons.

Third.—If a defendant against whom a summons may issue shall abscond, or is not after diligent search to be found, or shall shut himself up in his own or in any house or building, or retire to any place, so that the process cannot be served upon him, and the peon shall return that on such account he has not been able to serve or execute the process, or if he shall refuse to acknowledge the service of the summons, on return being made in the mode prescribed in the preceding clause, the collector

Notice to be affixed, containing what.

shall cause a writing in the language of the district, to be stuck up in some conspicuous part of his cutcherry, containing a copy of the summons, and a notice that if the party shall not appear on a day to be specified (which shall not be less than fifteen days from the time that the notice may be fixed up), the collector will proceed without further notice, to refer the cause, with the consent of the plaintiff, to be tried and determined by a punchayet of the district in which the disputed lands may be situated, without the appearance or answer of the defendant. The collector shall

Where the notice is to be affixed.

likewise order a copy of the summons and notice to be fixed up with all practicable despatch on the outer door of the house in which the defendant may have usually

dwelt, or in some conspicuous place in the village or other place in which he may have generally resided. The peon serving the summons shall return the order with an endorsement, stating at what times and places the summons may have been fixed up.

Return how to be made.

Fourth.—If the defendant shall appear by the time limited in the notice, the collector shall proceed to investigate the cause of his absence or the circumstance of his refusal to sign the summons, and if it shall appear to the satisfaction of the collector that the conduct of the defendant has been contemptuous, he is empowered to punish such contempt by imposing a fine on the defendant, according to the circumstances of the case, not exceeding ten arcot rupees; and if such fine be not immediately paid, or security given for the payment within a reasonable time, the collector shall punish such defendant by committing him to the zilla jail, or by keeping him in custody in the cutcherry or village choultry, for a period not in any case exceeding fifteen days, or until the fine shall be paid.

Collector how to proceed if the defendant appear.

Defendant liable to fine for contempt. Collector how to proceed if such fine be not paid, or security given.

Fifth.—On the appearance of the defendant, if he shall appear according to the first summons or by the time limited in the notice, the collector shall cause the plaint to be read over to the defendant in presence of the plaintiff, and shall demand whether he admit or deny the truth of the complaint. If the defendant shall acquiesce in the truth of the complaint, the collector shall record such acquiescence at the foot of the plaint, and require the defendant to attest the same with his signature in the presence of witnesses, not being servants of the collector's establishment, who shall also attest the same, and the document shall be countersigned by the collector, who shall return the document to the complainant, together with an order to the tahsildar or principal native revenue officer of the district, or village moonsif, to transfer the lands described in the plaint to the plaintiff, or if the plaint include crops grown on such lands, to cause the crops or the value of them to be restored to the plaintiff by the defendant, or if the plaint be for water, to order the water to be distributed as required in the plaint, and no other proceedings shall be necessary in the cause.

Plaint to be read to the defendant in presence of the plaintiff.

Collector how to proceed on acquiescence in the truth of the plaint.

Sixth.—If the defendant shall deny the truth of the plaint, the collector shall inquire of the parties whether they mutually consent to have the cause investigated and decided by a village punchayet, and upon their agreeing in writing to have the matter investigated and decided by the punchayet of any particular village, the collector shall immediately forward the petition or plaint, with an order to the moonsif of that village to assemble a punchayet without delay, to investigate and determine the suit.

Collector how to proceed on the defendant denying the truth of the plaint.

Under what circumstances a village punchayet to be assembled.

Seventh.—If either the plaintiff or defendant shall object to the reference of the cause to be tried and determined by a village punchayet, and either of them shall desire in writing that it may be referred to be tried and decided by a district punchayet, the collector, whether the other party agree to such reference or not, shall forward the plaint to the moonsif of the district in which the disputed property may be situated, with an order to assemble a punchayet within fifteen days from the receipt of such order, to investigate and determine the suit.

Matter may be referred to a district punchayet at the request of either party.

Eighth.—If neither of the parties shall agree to the reference of the suit to a district punchayet, the suit shall be dismissed, and the parties shall be at liberty to seek redress from the zilla court or any competent jurisdiction.

If neither party agree to the reference, the suit to be dismissed.

VI. *First.*—The punchayets shall be assembled according to the rules prescribed for assembling village and district punchayets, and their proceedings, in cases referred under this Regulation, shall be conducted according to the general rules enacted in Regulations V. and VII, 1816, for their guidance, with the following qualifications.

Punchayets how to be assembled, and their proceedings how conducted.

Second.—When only one of the parties shall appear before the district moonsif, the punchayet shall be formed upon the challenge of such party only, and shall proceed to try the suit without requiring the agreement specified in Clause second, Section IV, Regulation VII, 1816.

On the appearance of only one party, the punchayet to be formed on the challenge of such party; the agreement referred to not required.

Third.—When the decree has been framed and two copies of it prepared, it shall be read in the presence of the parties, and the two copies shall be sealed up in a packet and delivered to the moonsif, who shall forward it to the collector, sealed as he received it.

Two copies of the decree, duly attested, to be forwarded to the collector through the moonsif.

Fourth.—Decrees

Decrees in suits referred by collectors under this Regulation not to be executed until confirmed by the collector.

Fourth.—Decrees of the village and district punchayets, in suits which may be referred to them by the collectors under this Regulation, shall not be carried into execution until confirmed by the collector, nor shall they be set aside for any other cause than gross partiality on the part of the punchayet.

Decrees in what cases to be set aside.

What forms to be observed by the collector on receiving the packet.

VII. The collector shall detain the packet in the state in which he received it for twenty days, and if in that time no charge of gross partiality shall be preferred by either party against the punchayet, he shall open the packet, and confirm the decision by affixing his seal and signature to each of the two copies, and he shall return them to the moonsif from whom he received them.

When the decree is to be delivered to the parties.

VIII. *First*—The moonsif, on receiving the copies of the decree confirmed by the collector, shall summon the parties and deliver to each of them a copy of the decree.

Non-appearence or refusal to receive a copy, to be endorsed on it.

Second.—If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the moonsif shall cause to be endorsed on the copy intended for such party, such omission or refusal and the date. The moonsif shall attest the same with his signature, which shall be witnessed by any two credible witnesses. The copy so endorsed shall be deposited in the records of the district moonsif or the village curnum, as the case may be, to be delivered to the party afterwards claiming it.

Collector how to proceed on a charge of partiality being preferred to him; and proved to his satisfaction.

IX. *First.*—If either of the parties shall within the prescribed period of twenty days charge the punchayet with gross partiality, and if the partiality charged against the punchayet shall be established to the satisfaction of the collector by the oaths of two credible witnesses at the least, he shall in every case, whatever the amount or value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal, who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet or to any other competent jurisdiction.

Decision of a second punchayet in the same suit to be final if it agree with a former decision.

Second.—Provided however, that where the decision of a second punchayet shall agree with the decision of a former punchayet in the same suit, it shall be final.

Collector how to proceed on the partiality not being proved. May levy a fine.

Third.—If the partiality charged against the punchayet shall not be proved to the satisfaction of the collector, he shall confirm the decree as prescribed in Section VII. of this Regulation, and shall levy a fine from the party making such groundless charge not exceeding one hundred arcot rupees.

Decrees how to be executed.

X. Decrees of village and district punchayets, in cases referred to them under this Regulation, shall be carried into execution on the written application of the party in whose favour the decree may be given, by the collector, or by the tahsildar or principal native revenue officer of the district, by causing the boundary, when the suit relates to a disputed boundary, to be marked out in the presence of the village moonsif and curnum and two or more of the principal inhabitants, and in all other cases by causing the land to be given up or the water to be distributed, as prescribed by the decree.

Suits under this Regulation exempt from stamp duties. Charges to which they are liable.

XI. Suits instituted before the collectors under this Regulation shall be exempt from all stamp duties, and shall be liable only to such charges as are specified in Regulation V, 1816, if decided by a village punchayet, or to such charges as are specified in Regulation VII, 1816, if decided by a district punchayet.

Decisions to be included in the monthly reports of village and district moonsifs.

XII. The village and district moonsifs shall include in their monthly reports all decisions of punchayets in suits referred to them under this Regulation.

Copy of this Regulation to be lodged with the village curnum.

XIII. A copy of this Regulation shall be lodged with and preserved by each village curnum, for the information of the village moonsifs.

A. D. 1816. REGULATION XIII.

A REGULATION for modifying and amending the Rules before enacted regarding stampt paper and stampt cadjans; and for consolidating the fees payable on the institution of suits, and on exhibits and summonses for witnesses, with the duty levied by means of stamps:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 26th of October 1816; corresponding with the 12th of Arpysee of the year Dautoo 1738th year of Saliwahn, and with the 4th of Zulhudge 1231 Hijeree.

Preamble.

THE rules prescribed by the existing Regulations for computing and realizing the fees on the institution of suits on exhibits, and on summonses for witnesses, have occasioned inconvenience by occupying the time of the courts of judicature to the hindrance of their more important duties, and it has appeared that the convenience both of the Government and of the community at large, would be promoted by consolidating these fees with the duty already levied by means of stamps on the pleadings, and further by modifying the existing rules for raising a revenue by means of stamps. The Governor in Council has therefore been pleased to enact the following rules, to be in force throughout the territories immediately dependent upon the Presidency of Fort St. George, from and after the first day of February 1817.

Regulations rescinded.

II. Regulations IV, V, VIII. and XVII. of 1808, Section XXXV, Regulation VII. of 1809, and Regulation II, 1813, and generally all rules respecting the duties levied by means of stampt paper and stampt cadjans, and regarding the fees to be paid on the institution of suits, on exhibits and on summonses for witnesses, shall be rescinded from and after the first day of February 1817.

A general stamp office to be established at or near the Presidency, under a covenanted servant, who shall be designated the superintendent of stamps.

III. *First.*—A general stamp office shall be established at or near the Presidency, under the superintendence of a civil covenanted servant of the honourable Company, to be designated the superintendent of stamps, and all paper or other material intended for any of the purposes hereinafter mentioned, shall be stampt at his office, and counter-stampt at the general treasury of Government.

The superintendent of stamps to be subordinate to the Board of Revenue, and to take an oath as prescribed in the appendix No. 1.

Second.—The superintendent of stamps shall be subordinate to the Board of Revenue, and previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed in the appendix (form No. I.) of this Regulation, before one of the members of that board.

He shall prepare and transmit stamps to the different officers.

Third.—The superintendent shall prepare and transmit to the different officers entrusted with the disposal of stamps, the quantities which they may require for use in their respective districts.

What account of stamps to be kept by him.

Fourth.—The superintendent shall keep an account of the quantity and value of stamps prepared by him, of the issue of stamps, of the sums brought to credit in the several districts, and of the quantity of stamps remaining in store, and he shall prepare and submit to the Board of Revenue such periodical reports and statements as they may require.

The superintendent to proceed in person to any district, in which he or the Board of Revenue may consider his presence necessary for the detection of forgeries or other abuses.

Fifth.—It shall be the duty of the superintendent of stamps to proceed in person to any district in which he or the Board of Revenue may at any time conceive that his presence is necessary, with the view of detecting forgeries, or other abuses or irregularities committed in the sale of stamps.

No stamp to be valid or issued from the stamp office, until it shall have received the prescribed counter-stamp at the general treasury.

IV. *First.*—No stamp shall be valid or be issued from the stamp office, until the paper, parchment, cadjan leaf, or other material on which the stamp has been impressed, shall have received the prescribed counter-stamp at the general treasury.

The sub-treasurer to keep an account of the stamps which may be counter-stamped by him, and to transmit it to the Board of Revenue at the close of each official year.

Second.—The sub-treasurer shall keep an account of the quantity and value of the stamps which may be counter-stamped by him, which account shall be transmitted to the Board of Revenue at the close of each official year, in order that it may be compared with the accounts of the superintendent.

Only one set of stamps, applicable to every purpose for which stamps are required by the present Regulation, to be used.

V. *First.*—One set of stamps applicable to every purpose, for which stamps are required by this Regulation, shall hereafter be used in the general stamp office, bearing inscriptions in the English, Persian, Tamul and Teloogoo characters, as follows;—

Inscriptions thereon.

Two Annas,	Fifty Rupees,
Four Annas,	One hundred Rupees,
Eight Annas,	One hundred and fifty Rupees,
One Rupee,	Two hundred and fifty Rupees,
Two Rupees,	Three hundred and fifty Rupees,
Four Rupees,	Five hundred Rupees,
Eight Rupees,	Seven hundred and fifty Rupees,
Sixteen Rupees,	One thousand Rupees,
Thirty-two Rupees,	Two thousand Rupees.

In ordinary cases the stamps to be impressed on paper of the manufacture of the Madras provinces; and the Board of Revenue to regulate the sizes of the paper. Copies of the proceedings and judgments of the Sudder Udalut, in appeal to the Governor General in Council, to be on paper of European manufacture bearing a stamp of the value prescribed in the present Regulation, as also copies of decrees in certain cases. Cadjan leaf to be used in certain districts.

Second.—The above stamps shall in ordinary cases be impressed on paper of the manufacture of the territories dependent upon the Presidency of Fort St. George, and it shall be the duty of the Board of Revenue to regulate the sizes of such paper in such manner as may be best adapted to the convenience of the community without injury to the public revenue, according to the true intent and meaning of the rules contained in the present Regulation; provided however, that paper of European manufacture, bearing a stamp of the value hereinafter specified, shall be used for the copies of the proceedings and judgments of the court of Sudder Udalut which may be appealed to the Governor General in Council, as also for all copies of decrees in regular or summary suits which may be furnished to the parties by the sudder ameens, by the judges, assistant judges, or registers of the zilla courts, by the provincial courts and by the Sudder Udalut; provided also, that the superintendent shall always keep in deposit a sufficient supply of the cadjan leaf duly stampt, for the use of those districts in which that material is ordinarily employed for the execution of certain instruments, instead of paper; provided likewise, that if any person shall be desirous of having any instrument executed on vellum parchment or any other material, instead of paper or cadjan leaf, he shall be entitled to have the same stampt, supposing it to correspond nearly with the regulated size of stampt paper, on paying the established duty: bonds, deeds of conveyance, and other instruments executed on any material of the above description, if duly stampt, shall accordingly be receivable in evidence in the courts of judicature, in the same manner as if such instruments had been executed on common paper according to the ordinary practice of the stamp office.

Persons desirous of having instruments executed on vellum, parchment or other material, entitled to have the same stampt on paying the established duty.

Bonds, deeds and other instruments executed on such materials, if duly stampt, will be received in evidence in the courts of judicature.

The superintendent's signature not necessary for stampt paper or other material, but all cadjans before being issued shall be signed by a native register.

VI. It shall not be necessary for stampt paper or other material to bear the written official signature of the superintendent of stamps or other authorized officer under him, but stampt cadjans, previously to being issued from the stamp office, shall be signed by a native register to be appointed for this purpose by the superintendent.

Dies to be prepared at the mint at Madras.

VII. It shall be the duty of the mint master at Madras, to cause the dies to be engraved at the mint, on the application of the Board of Revenue, and in conformity to such suggestions as they may offer.

Size and shape of the dies may be changed as often as the Board of Revenue may deem it necessary. Prescribed impression not to be altered.

VIII. The size or shape of the dies shall be changed as often as the Board of Revenue may deem necessary, with the view of detecting or preventing forgeries; provided, however, that nothing herein contained shall be construed to authorize that board to alter the prescribed impression of the dies.

Bonds or other instruments not written on paper bearing the prescribed stamp not to be admitted in evidence, or received in any court of judicature.

IX. From and after the period fixed for the operation of this Regulation, any bond, promissory note, bill of exchange, letter of credit, or other obligation for the payment of money; any receipt or acquittance by which any sum of money or demand shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied; any deed of gift, sale, devise, or other transfer of property, real or personal; any lease, deed of mortgage or other limited assignment of land; any deed of contract, partnership, agreement, security or engagement, which may not have been written on paper or other material bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received or filed in

any

any court of judicature. Provided however, that if any person shall inadvertently have taken any such bond or other instrument on paper or any other material not bearing the prescribed stamp, and shall present the same to any collector of the land revenue within sixty days from the execution of it, with a penalty equal to ten times the amount of the stamp duty which would have been payable on such bond or other instrument in the first instance, if it had been prepared on paper or other material bearing the prescribed stamp, it shall be transmitted by the collector to the superintendent of the stamp office, for the purpose of being duly stampt. Provided also, that if any bond or other instument required to be written on stampt paper or other material, shall be produced in a court of judicature, having a stamp or signature apparently forged, the judge or other officer before whom the document may be exhibited, shall make the necessary inquiry, previously to admitting the said instrument in evidence, to satisfy himself whether the paper or other material on which it was written, was purchased at either of the regular places established for the vend of stamps. If it shall appear that the paper or other material was so purchased, (the proof of which must of course rest with the person producing it,) and that it bear a stamp and signature resembling those prescribed by this Regulation, it shall be admitted, notwithstanding any doubts which may exist of its authenticity; but supposing the judge or other officer to be satisfied that the stampt paper upon which the deed produced may be written was not purchased from any of the authorized venders, or if so purchased that the party producing it was privy to the forgery, the deed in question shall be rejected as inadmissible in evidence.

Proviso.

What steps should be taken as to bonds or instruments, having stamps or signatures apparently forged.

X. *First.*—An office for the sale and distribution of stamps shall be established in each district, under the superintendence and responsibility of the collectors of the land revenue, who shall receive a commission of five per cent. on the gross produce derived from the sale and distribution of stamps in such district.

An office for the sale and distribution of stamps to be established in each district, under the superintendence of the collector of land revenue, who shall be allowed a commission.

Second.—The collectors shall indent upon, and grant receipts in duplicate to the superintendent of the general stamp office, for such quantities of stamps as may be required by them for the supply of their respective districts.

The collectors to indent upon the superintendent of the general stamp office for such quantity of stamps as they may require.

Third.—It shall be the duty of the collectors and their assistants, or other European officers authorized to dispose of stampt paper, previously to issuing such paper to their native agents for sale, or to disposing of it themselves, to endorse their official signatures in writing upon each paper; and the courts of judicature shall not admit or file any stampt paper, unless it be authenticated in the manner herein provided.

All stampt papers, previous to being issued by the collectors, to be endorsed with their official signature, and no stampt papers unless so endorsed, to be admitted in any court of judicature.

Fourth.—A darogah of stamps shall be appointed at each of the stations of the collectors and assistant collectors, who shall be paid by commission or by salary, or partly by commission and salary, as the Board of Revenue with the sanction of Government may deem most advisable.

A darogah of stamps to be appointed at each collector's station, who shall be paid either by salary or commission.

Fifth.—It shall be the duty of the darogah of stamps to count and examine the stamps received from the stamp office, and to countersign the receipts granted by the collector.

Duty of the darogah of stamps.

Sixth.—Licensed venders of stamps shall be established in every pergunnah, or at such places as the Board of Revenue may determine, who shall be paid by salary or commission, or partly by salary and commission, as that board may with the sanction of Government direct. It shall be the duty of the collectors to cause those officers to be at all times adequately supplied with the requisite quantities of each sort of stamps. In like manner, it shall be the duty of the Board of Revenue at all times to satisfy themselves that no obstacles occur to the mercantile business, or other pecuniary transactions of the country, from any delay or difficulty in procuring the stamps required for the conduct of the affairs of individuals.

Licensed venders of stamps to be established in certain places, who shall be paid by salary or commission; and to be at all times adequately supplied with the requisite quantities.

Seventh.—Every stamp darogah, and every person authorized to retail stamps, shall give security to the collector for the due performance of an engagement to be executed by him, agreeably to the forms prescribed in the appendix, Nos. 2. and 3. and shall receive a sunnud prepared agreeably to the forms Nos. 4. and 5.

Stamp darogahs and persons authorized to retail stamps, to execute certain engagements and to receive certain sunnuds.

Eighth.—The stamp darogah shall keep an account of the quantity and value of stamps supplied by him to the different venders, and every vender shall keep a day book exhibiting the stamps sold by him, which day book shall be transmitted to the zilla stamp office at the end of each month, and every vender shall, on receiving a supply

What accounts to be kept by the stamp darogahs.

supply of stampt paper or cadjan for sale from the stamp darogah, grant a receipt for it; he shall at the same time carefully examine the stampt paper or cadjan entrusted to his charge, to satisfy himself that it bears the government stamp, which he must certify in the receipt granted to the stamp darogah.

The collector to transmit to the general stamp office, such accounts as the superintendent may require.

Ninth.—The collectors shall transmit to the general stamp office, such accounts as the superintendent may be authorized by the Board of Revenue to require.

No person to sell stamps excepting those authorized by the present Regulation, under pain of prosecution and punishment.

Tenth.—No person, excepting the superintendent of stamps, the collectors of the land revenue, or other European officers invested with the charge of the office for the sale and distribution of stamps, and the authorized native venders, shall be deemed competent to sell stamps; and any other person who may sell stamps in opposition to this prohibition, shall be liable to be prosecuted for such act before the criminal judge, and punished on conviction to the full extent of the powers vested in the criminal judges by the Regulations.

What instruments are to be written on stampt paper, and how the value is to be regulated.

XI. From and after the date specified in the preamble to this Regulation, every bond, promissory note, bill of exchange, letter of credit, or other obligation for the payment of money; every receipt or acquittance, whereby any sum of money or demand shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied; every deed of gift, sale, devise, or other transfer of property, real or personal; every lease, deed or mortgage, or other limited assignment of land; every deed of contract, marriage settlement, partnership, agreement, security or engagement for a sum of money, or for property exceeding the value of sixteen rupees, which may be executed within the provinces subject to the Presidency of Fort St. George, shall be written on paper (or some other material) impressed with the government stamp, the value of which stamp shall be regulated as follows:

TABLE.

1. If the bond or other instument shall be for a sum exceeding sixteen arcot rupees, or if the value of the property transferred or otherwise affected by it shall exceed sixteen rupees, and not exceed 64 rupees, the deed shall be executed on stampt paper of the value of two annas.

2. If above 64 rupees and not exceeding 125 rupees—four annas.

3. If above 125 rupees and not exceeding 250 rupees—eight annas.

4. If above 250 rupees and not exceeding 500 rupees—one rupee.

5. If above 500 rupees and not exceeding 1,000 rupees—two rupees.

6. If above 1,000 rupees and not exceeding 2,000 rupees—four rupees.

7. If above 2,000 rupees and not exceeding 5,000 rupees—eight rupees.

8. If above 5,000 rupees and not exceeding 10,000 rupees—sixteen rupees.

9. If above 10,000 rupees and not exceeding 20,000 rupees—thirty-two rupees.

10. If above 20,000 rupees and not exceeeing 50,000 rupees—fifty rupees.

11. If above 50,000 rupees and not exceeding 100,000 rupees—one hundred rupees.

12. If above 100,000 rupees—one hundred and fifty rupees.

All pottahs, caboolyets, or other instruments relative to lands held exempt from the payment of revenue to Government, to be written on stampt paper.

XII. *First.*—To prevent misconstruction, it is hereby declared, that every lease and its counterpart (pottah and caboolyet), or other engagement contracted between landlord and tenant, and every receipt or other acknowledgment for the payment of rent, exceeding sixteen rupees, is required to be written on paper or other material bearing the prescribed stamp, supposing that such lease, receipt or other instrument, relate to lands held exempt from the payment of revenue to Government; but that instruments of the correspondent descriptions, which have relation to lands subject to the payment of revenue to Government, need not be written on stamps.

Rules regarding the stampt papers on which copies of certain documents are required to be written.

Second.—All authenticated copies of the documents specified in the preceding section, which may be prepared as legal vouchers by a cazee, mooftee or other authorized person, shall be written on stampt paper or cadjan, according to the rates prescribed

prescribed for the originals of such deeds: any copies not written on such paper or cadjan, will not be admissible in evidence under Section IX. of this Regulation.

Third.—Security bonds for appearance (hazeer zaminee,) security bonds for the payment of eventual costs of suit, as well as all other security bonds not being for a specific amount, and all deeds of contract, partnership or agreement, and engagements of whatever nature, which may not relate to a specific sum of money or to a specific value, so as to make it practicable to apply to them the table of rates stated in the preceding section, are required to be written on stampt paper or stampt cadjan of the value of one rupee, under the penalty declared in Section IX. of this Regulation.

Security bonds and other deeds not relating to any specific sum of money or any specific value, are to be written on stampt paper of the value of one rupee.

XIII. *First.*—From and after the date specified in the preamble to this Regulation, the fees hitherto paid on the institution of civil actions, on summonses and on exhibits, shall be discontinued, and the following stamp duties shall be levied in lieu thereof:

Stamp duties to be levied in lieu of fees hitherto paid on the institution of civil actions, on summonses and on exhibits.

TABLE.

1. In original regular suits instituted in any court of judicature, and in appeals regular or special, preferred from the judgments of any such court to a superior court, if the amount or value of the property claimed shall not exceed sixteen arcot rupees, the plaint or petition shall be written on paper of one rupee.

2. If above 16 rupees and not exceeding 32 rupees—two rupees.

3. If above 32 rupees and not exceeding 64 rupees—four rupees.

4. If above 64 rupees and not exceeding 150 rupees—eight rupees.

5. If above 150 rupees and not exceeding 300 rupees—sixteen rupees.

6. If above 300 rupees and not exceeding 800 rupees—thirty-two rupees.

7. If above 800 rupees and not exceeding 1,600 rupees—fifty rupees.

8. If above 1,600 rupees and not exceeding 3,000 rupees—one hundred rupees.

9. If above 3,000 rupees and not exceeding 5,000 rupees—one hundred and fifty rupees.

10. If above 5,000 rupees and not exceeding 10,000 rupees—two hundred and fifty rupees.

11. If above 10,000 rupees and not exceeding 15,000 rupees—three hundred and fifty rupees.

12. If above 15,000 rupees and not exceeding 25,000 rupees—five hundred rupees.

13. If above 25,000 rupees and not exceeding 50,000 rupees—seven hundred and fifty rupees.

14. If above 50,000 rupees and not exceeding 100,000 rupees—one thousand rupees.

15. If above 100,000 rupees—two thousand rupees.

XIV. *First.*—In suits for land paying revenue to Government, the value of the property shall be assumed at the amount of the annual produce of the land, to be estimated according to the rule prescribed in Section III, Regulation III, 1802.

The value of the property how to be assumed in suits for land paying revenue to Government;

Second.—In suits for land held exempt from the payment of the public revenue to Government, the value of the property shall be assumed at ten times the amount of the annual produce of the land, to be estimated as directed in Section III, Regulation III, 1802.

In suits for land exempt from the payment of revenue to Government.

Third.—In suits for houses, gardens, tanks or other property, real or personal, excepting the two descriptions of lands mentioned in the two preceding clauses, and in actions for the recovery of damages in matters relating to marriage, cast or any personal injury, the value shall be estimated according to the rule contained in Section III, Regulation III, 1802.

In suits for houses, gardens or other property, real or personal, and in actions for the recovery of damages.

XV. It is not intended by the provisions of this Regulation to deprive the registers of the zilla courts, the sudder ameens, or the district moonsifs, of the established

Registers, sudder ameens and district moonsifs entitled to receive the fees in-

corporated with the ſtamp duties under Section XIII. of the preſent Regulation.

proportion of the fees hitherto received on suits which may be instituted in the zilla courts, and referred to them for decision. But as those fees are now incorporated, under Section XIII. of the present Regulation, with the stamp duty payable on the plaint or petition, it shall be the duty of the zilla judges to cause accounts of the proportion of the fees receivable by the registers, sudder ameens and district moonsifs under the existing rules, to be prepared at the expiration of every month, and to attest the same with their seals and official signature. The account so authenticated, shall be deemed a sufficient warrant to the collectors for the payment of the amount receivable on the above account by the registers, sudden ameens and district moonsifs.

No exhibit to be filed without an application praying its admiſſion, written on ſtampt paper of a preſcribed value.

XVI. *First.*—No exhibit in any original regular suit, or in any appeal regular or special, shall be filed in any court of judicature, without an application praying the admission of the exhibit, which application shall be written on stampt paper as follows:

In the court of the sudder ameen, on paper of the value of four annas.

In the court of the register, on paper of the value of eight annas.

In the zilla courts, on paper of the value of one rupee.

In the provincial courts of appeal and in the Sudder Udalut, on paper of the value of two rupees.

Vakalutnamahs and certain other documents declared to be not liable to ſtamp duties on exhibits.

Second.—Vakalutnamahs and mokhtarnamahs, arbitration bonds, security bonds for appearance, as well as security bonds for the eventual payment of costs, or for the performance of a decree, or for staying or enforcing the execution of a decree which may be executed in any original suit or appeal, shall not be liable to the stamp duty on exhibits.

No ſummons to be iſſued for the attendance of a witneſs without an application written on ſtampt paper of the value ſpecified in the preceding ſection.
A ſeparate application for each exhibit or attendance of each witneſs not required, but one or more applications or liſts including any number of exhibits and the names of any number of witneſſes.
Proviſo.

XVII. In like manner no summons shall be issued for the attendance of any witness in any original regular suit, or in any appeal regular or special, without an application praying the attendance of such person, which application shall be written on stampt paper of the value specified in the preceding section, according to the court in which it may be delivered and recorded.

XVIII. In lieu of filing a separate application for the admission of each exhibit and the attendance of each witness, it shall be sufficient to file one or more applications or lists including any number of exhibits desired to be filed, and the names of any number of witnesses desired to be summoned, provided that such applications or lists be written on one, two, or more sheets or rolls of stampt paper, the total value of which shall correspond in amount with that of the stampt paper which would have been requisite had the application for each exhibit or witness been written on separate stampt paper, under the rules contained in Sections XVI. and XVII. of this Regulation.

Every anſwer, reply and rejoinder, &c. which may be filed in any ſuit, to be written on ſtampt paper of a ſpecified value.

XIX. Every answer, reply and rejoinder, every supplement, razeenamah or petition which shall hereafter be filed in any original regular suit, or in any appeal regular or special, shall be written on stampt paper as follows:

In the court of the sudder ameen, on paper of the value of four annas.

In the court of the register, on paper of the value of eight annas.

In the zilla courts, on paper of the value of one rupee.

In the provincial courts of appeal and in the Sudder Udalut, on paper of the value of four rupees.

In all original ſummary ſuits and appeals, the plaint, petition, anſwer and other proceedings, and all miſcellaneous petitions and applications of a certain deſcription in the revenue and judicial departments, to be written on ſtampt paper of a ſpecified value.

XX. In all original summary suits and summary appeals authorized by the Regulations, the plaint, petition or application, the answer and other pleadings; all miscellaneous petitions and applications which may be presented to the different authorities in the judicial department and to the Board of Revenue; all mokhtarnamahs and vakalutnamahs, shall be written on stampt paper, as follows:

If preferred to a sudder ameen, on paper of four annas.

If preferred to a zilla or criminal judge, or to a register or assistant to a criminal judge, on paper of eight annas.

If preferred to a provincial court of appeal or circuit, on paper of one rupee.

If preferred to the court of Sudder or Foujdaree Udalut, or to the Board of Revenue, on paper of two rupees.

XXI. All applications made by the collectors or the assistant collectors, or by the Board of Revenue, to the courts of judicature, for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue, may be written upon common paper without a stamp. This rule, however, shall not be considered applicable to any regular suit in which the Board of Revenue, a collector, or an assistant collector, may be a party, either on their own account as individuals, or on the part of Government.

All applications made by the collectors or Board of Revenue to the courts of judicature on subjects regarding the public revenue, may be written on common paper.
Proviso.

XXII. *First.*—No copy of any paper shall be authenticated by any public officer or received as evidence in any court of judicature, unless transcribed on stampt paper, according to the following rates, viz.

No copy of any paper to be authenticated by any public officer or received as evidence, unless transcribed on stampt paper, according to the rates specified in this section.

Copies of decrees passed by the sudder ameens shall be written on paper of the value of eight annas.

Copies of decrees passed by registers and by judges of the zilla courts, shall be written on paper of the value of one rupee.

Copies of decrees passed by the provincial courts of appeal, shall be written on paper of the value of two rupees.

Copies of decrees passed by the court of Sudder Udalut, shall be written on paper of the value of four rupees.

Copies of the proceedings of the court of Sudder Udalut prepared in order to be transmitted to the Governor General in Council, shall be transcribed on paper of the value of two rupees.

Authenticated copies of revenue and judicial proceedings, authenticated copies of accounts, statements, reports or other documents which individuals may require for use or reference, shall be written on paper of the value of eight annas.

Second.—Copies of decrees which may be prepared by the courts above mentioned, to remain with their own records, shall be written on unstampt paper of European manufacture, of the same size and description as that which may be stampt for the copies of decrees to be delivered to the parties.

Copies of decrees kept as records of the courts to be written on unstampt paper of European manufacture, of same size and description as that mentioned in the preceding clause.

Third.—Copies of proceedings and orders, accounts, statements or other papers made for records of court, or for transmission to other courts of public offices, may be written as heretofore on unstampt paper, except in cases in which it may be otherwise specifically provided for by the Regulations.

Copies of decrees, &c. made for records of the courts, or for transmission to other courts, may be written as heretofore on unstampt paper.

XXIII. *First.*—All pleadings, petitions and applications, all deeds, documents and other papers, whether originals or copies, which are required by the Regulations to be written on stampt paper, are to be written in a fair, legible manner, and as they have been hitherto usually prepared, as well with regard to the size of the writing, the space between the words, and the number of lines in each page, as to all other matters regarding their engrossment.

Pleadings and other documents on stampt paper, how to be written.

Second.—If the subject matter of any plaint or petition of appeal cannot, under the rule contained in the preceding clause, be conveniently comprised in a single sheet or roll of the stampt paper prescribed for such plaint or petition of appeal, any additional sheets or rolls which may be required for that purpose shall be of the description of stampt paper specified in Section XIX. of this Regulation. In like manner, if the subject matter of any answer, reply, rejoinder or other pleading, cannot be comprised in a single sheet or roll of the stampt paper prescribed for such pleading, any additional sheets or rolls which may be required for that purpose shall be of the description of the stampt paper specified in Section XIX. of this Regulation.

Rules to be adopted when the whole of the subject matter of a plaint or other pleading cannot be contained in a single sheet of paper.

Third.—If a party or vakeel, or other person shall hereafter file in a zilla court, in a provincial court, or in the Sudder Udalut, any plaint or pleading required to be written on stampt paper, which may not have been prepared in conformity with the foregoing provisions of this section, the court is authorized to impose on such party, vakeel or other person, any fine which they may deem proper, provided that such fine

Fine to be imposed on a breach of the preceding rule.

fine shall in no instance exceed three times the amount or value of the additional stampt paper which would have been required had the plaint or pleading been drawn up in conformity with the foregoing provisions.

Similar provisions with reference to miscellaneous petitions or applications.

Fourth.—If the subject matter of any miscellaneous petition or application, or of other papers specified in Section XX. of this Regulation, cannot under the rule contained in clause first of this section, be conveniently comprised in a single sheet or roll of the prescribed stampt paper, any additional sheets or rolls which may be required for that purpose shall be of the value and description specified in the said section of the Regulation in question; and if any such petition or paper which may not have been prepared in conformity with the foregoing rule, and with the rules contained in clause first of this section, shall be hereafter presented to any of the courts or officers specified in Section XX. of this Regulation, such court or officer is hereby authorized to impose a fine on the party or person presenting it, under the same limitations as are prescribed in the preceding clause.

In what cases the courts may authorize a plaintiff to file a duplicate of the plaint for the purpose of correcting errors in the valuation of the cause of action.

XXIV. *First.*—If during the trial of any regular suit it shall appear that the plaint has been written on stampt paper of a less value than that which ought to have been used under the provisions of Section XIII. of this Regulation, and the court shall be of opinion that the error or omission did not arise from any fraudulent motive, or from any design on the part of the plaintiff to evade the provisions of the Regulations, it shall be competent to the court, either to permit or to direct the plaintiff or appellant in the suit, to file a duplicate of the plaint on stampt paper, of such a value as may be sufficient to complete the full amount of the stamp duty prescribed by the section above mentioned.

Provisions for the repayment to a plaintiff of the stamp duty or institution fee in certain cases.

Second.—In addition to the provisions of Section IV, Regulation XII. of 1809, it is hereby declared that if on the trial of any summary appeal preferred under that section, the provincial court shall be of opinion that the original suit was not from its amount regularly cognizable in the zilla court, but that the irregularity in the institution of such suit did not arise from any fraudulent motive on the part of the plaintiff, it shall be competent to the provincial court to direct the zilla judge to refund to the plaintiff the amount of the fee or stamp duty paid by him on instituting the suit in the zilla court, and the plaintiff shall be permitted to institute his suit de novo in the provincial court.

In the event of a judgment in favour of a pauper plaintiff being reversed on appeal by a higher court, and the original claim pronounced to be groundless, the amount of stamp duty to be repaid to appellant or his legal representative; and how to be recovered from the pauper.

XXV. *First.*—If on the suit of a pauper plaintiff a judgment be passed in favour of the plaintiff, and the defendant appealing from such judgment shall obtain a reversal of it with costs, so that the final judgment may be in favour of the defendant and the original claim shall be declared groundless, the amount of stamp duty, substituted for the institution fee, which such defendant may have paid upon his appeal, shall be returned to him or to his legal representative by the court into which the same may have been paid; and the amount shall be recovered from the pauper against whom the final judgment may be passed, in the event of his being found to possess property sufficient to make good the same, as provided in Section III, Regulation XIV. of 1802.

The court of Sudder Udalut may in all other cases order return of the whole or any part of the stamp duty to be made, as may appear to them just and proper.

Second.—In all other cases, the court of Sudder Udalut are authorized to direct a return of the whole or a portion of the amount of stamp duty, substituted for the institution fee, as on due consideration of the circumstances of the case, whether brought before them in appeal or referred to them by a provincial or zilla court, may appear to them just and proper.

The Board of Revenue to cause the greatest possible publicity to be given to the present Regulation, and the rates of duty established in it.

XXVI. It shall be the duty of the Board of Revenue to cause the greatest possible publicity to be given to the provisions of this Regulation, and especially to the rates of duty thereby established on stampt paper and stampt cadjan.

The Board of Revenue, and the officers acting under their authority, to adopt all legal and proper measures for the conviction and punishment of persons forging or selling stampt paper, or guilty of other abuses.

XXVII. It shall likewise be the duty of the Board of Revenue and of the officers acting under their authority, to adopt all legal and proper measures for the conviction and punishment of persons suspected of forging or selling stamps, or uttering stamps knowing them to be forged, and likewise for the punishment of any authorized vender of stamps, either by means of a criminal prosecution or by dismission from office, as may appear most proper, according to the circumstances of the case, who may be guilty of exacting more than the prescribed rates for the sale of stamps.

XXVIII. The

XXVIII. The collectors and assistant collectors of the land revenue shall, in ordinary cases, be vested with the charge of the stamp office ordered by the present Regulation to be established in each zilla. The Governor in Council however reserves to himself the power of nominating any other public officer, or deputing specially any other covenanted servant of the honourable Company, to take charge of any such stamp office in any district in which that measure may appear to him to be advisable, and persons so nominated or deputed shall be entitled to exercise all the powers and enjoy the emoluments granted to collectors of the land revenue by this Regulation.

The collector of the land revenue shall be vested in ordinary cases with the charge of the stamp office ordered to be established in each zilla, and power reserved to Government to nominate any other public officer to take charge of any such office.

XXIX. *First.*—Any ministerial officer who may hereafter file in any court of justice or in the office of any collector or other public officer, without the written order of such officer, any petition, pleading or other document required to be written on stampt paper, which may not have been written on the prescribed stampt paper, or who shall furnish a copy of any paper or proceeding required to be written upon stampt paper, on any other paper than the required stampt paper, shall be liable to dismission from office, and to the payment of a fine to Government equal to ten times the amount of the stamp duty which would have been payable if the prescribed stampt paper had been used for such petition, pleading or other document.

Penalties for filing or furnishing copies of papers not written on stampt paper.

Second.—Such penalty shall be recoverable by a summary process in the courts of Udalut.

How such penalty is recoverable.

XXX. The provisions of this Regulation are not intended to preclude individuals from making for their private use and at their own expense, copies of the judical or revenue papers with the permission of the court, collector or other public officer having charge thereof, on any paper which they may prefer; but if such copies be not made on stampt paper of the prescribed rate, they shall not be authenticated by the seal or signature of any court, collector or other public officer, and shall not be received as evidence in any court of justice, or in any public office whatever.

Copies which individuals may be authorized to make for their own use need not be written on stampt paper, but shall not be authenticated by any official seal or signature

XXXI. Nothing in this Regulation shall be construed to affect suits instituted before the native tribunals established under the provisions of Regulations IV, V, VI. and VII. of 1816, or suits preferred to collectors under Regulation XII. of 1816. Provided however, that in appeals from the decisions of district moonsifs under Section LIII, Regulation VI, 1816, the petition shall, agreeably to the amount or value of the property claimed, be written on stampt paper of the rate prescribed in Section XIII. of this Regulation; and provided also, that in all other cases which may be brought before the different authorities in the judicial department under the Regulations referred to in this section, the petition shall be written on stampt paper of the rates specified in Section XX. of this Regulation.

Nothing in this Regulation intended to affect certain suits specified.

Proviso.

APPENDIX.

No. 1.

OATH.

I, *A. B.* appointed superintendent of stamps, solemnly swear, that I will diligently and faithfully execute the duties of the said office, according to the best of my knowledge and judgment; and that I will not directly or indirectly derive, or knowingly allow any person to derive, any pecuniary advantage or emolument from or on account of any matters relating to the said office, excepting such as may be expressly authorized by the Governor in Council.

So help me God.

No. 2.

FORM of Engagement to be executed by Persons appointed to the office of Stamp Darogah.

I, *A. B.* appointed by the collector of C to be stamp darogah, do hereby engage to perform the duties attached to the office of stamp darogah.

I will carefully count and examine the stamps transmitted from the general stamp office, and attest the receipts executed by the collector for the same, and likewise prepare the indents for the supplies of stamps which may be required from the superintendent.

I will cause the different stamp venders established in the district, to be supplied, in pursuance of such instructions as I may receive from the collector, with proper quantities of stamps; and I will carefully examine and compare the accounts of such stamp venders.

I will be responsible for the accounts of the stamp office, and for the value of the stamps entrusted to my charge, and I will do every thing in my power to prevent imposition and fraud in the stamp office, and will submit to the collector any information which I may obtain respecting the forgery or fabrication of stamps.

Executed before me this day of

(Signed) *C. D.* Collector.

No. 3.

FORM of Engagement to be executed by Persons appointed to the office of Stamp Vender.

I, *A. B.* appointed to vend stamps at C in the pergunnah of D in the district of E do hereby engage faithfully to observe the following conditions:

1st. That I will carefully examine every stamp paper which may be entrusted to me for sale, and certify in my receipts for the same that such paper bears the stamp of Government and the signature of the collector or his assistant.

2d. That I will not charge more for any stamp or stamps entrusted to me for sale, than the established price for such stamp or stamps.

3d. That I will monthly prepare and deliver to the stamp darogah, or such persons as may be authorized to receive the same, a faithful account of all the stamps which may be sold by me, and will likewise specify the balance which may remain in store under my charge, and will on no account allow any person to take stampt paper or cadjan away without receiving and bringing to account the price of such stampt paper or cadjan.

Executed before me this day of

(Signed) *C. D.* Collector.

No. 4.

FORM of Sunnud to be granted to Persons appointed to the office of Stamp Darogah.

(L. S.)

Whereas *A. B.* has executed the engagement prescribed by Clause seventh, Section X, Regulation XIII, 1816, to be entered into by persons appointed to the office of stamp darogah; I, *C. D.* collector of E do hereby constitute and appoint the said *A. B.* to be darogah of the zilla stamp office under my charge.

Given under my hand and seal this day of

(Signed) *C. D.* Collector.

No. 5.

FORM of Sunnud to be granted to Persons appointed to the office of Stamp Vender.

(L. S.)

Whereas *A. B.* has duly executed the engagement required by Clause seventh, Section X, Regulation XIII, 1816, to be executed by persons authorized to sell stamps; I, *C. D.* collector of E do hereby authorize the said *A. B.* to be a stamp vender and to open an office for the sale of stamps at in pergunnah in the district under my charge.

Given under my hand and seal this day of

(Signed) *C. D.* Collector.

A. D. 1816. REGULATION XIV.

A REGULATION for amending and modifying the rules which have been passed regarding the office of Vakeel or Native Pleader in the Courts of Civil Judicature:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 26th of October 1816; corresponding with the 12th of Arpysee of the year Dautoo 1738th year of Saliwahn, and with the 4th of Zulhudge 1231 Hijeree.

I. WHEREAS it has been deemed expedient to amend and modify the provisions applicable to the office of vakeel or native pleader, and to transfer to the provincial courts the control now exercised by the Sudder Adawlut in the appointment and removal of vakeels or native pleaders in the zilla courts, and in the provincial courts; and whereas the speedy adjustment of disputes may be facilitated by empowering the authorized vakeels to receive certain fees for legal opinions furnished by them, and by vesting them with authority to act as arbitrators under the general Regulations; the following rules have been passed by the Governor in Council, to be in force from and after the first day of February 1817, throughout the provinces immediately subject to the Presidency of Fort St. George. Preamble.

II. Regulation X. of 1802, Sections XXXII. and XXXIII, Regulation VII. of 1809, shall be rescinded from and after the first day of February 1817. Regulations rescinded.

III. *First.*—The Sudder Adawlut and the several provincial courts are empowered to appoint to the office of vakeel in their respective courts such a number of persons, being natives of India, of the Hindoo or Mohummudan persuasion, and duly qualified for the situation, as may from time to time appear to them to be necessary. The Sudder Adawlut and the provincial courts empowered to appoint the vakeels of their respective courts.

Second.—Whenever the appointment of a vakeel may be requisite in any of the zilla courts, the judge of such zilla shall nominate, for the approbation of the provincial court of the division, some person being a native of India and otherwise duly qualified for the situation, and shall communicate to the provincial court such information as he may have obtained regarding the age, capacity, character, education and past employment of the individual whom he may recommend, and no person shall be authorized to practise as a vakeel in any zilla court without the previous sanction of the provincial court. Vakeels of the zilla courts to be nominated by the judges of those courts for the sanction of the provincial courts.

IV. *First.*—Persons who may hereafter be appointed to the office of vakeel in the zilla courts, the provincial courts, or the Sudder Adawlut, shall receive a sunnud of appointment, duly authenticated by the court to which they may be respectively attached. This sunnud, which is not required to be written on stampt paper, shall be drawn up according to the form No. I. in the appendix to this Regulation. Pleaders to receive a sunnud from the courts to which they may be appointed. The sunnud to be of a prescribed form.

Second.—Whenever a vakeel may be dismissed from his office, or may die or may resign his situation, his sunnud of appointment shall be recalled and cancelled by the court to which such vakeel may have been attached. And to be cancelled on the death, removal or resignation of the pleaders.

V. Every

Pleaders to take an oath according to the preſcribed form. Or a ſolemn declaration in lieu thereof.

V. Every vakeel, previously to being allowed to practise, shall take and subscribe before the court to which he may be appointed, an oath, drawn up according to the form No. 2. of the appendix to this Regulation, or a solemn declaration in lieu thereof, under the provisions now in force, or any other provisions which may be hereafter enacted.

Pleaders liable to be diſmiſſed for certain acts of miſconduct.

VI. Pleaders employed in the several courts of civil judicature, shall be liable to dismission from their office, whenever they may be guilty of encouraging or promoting litigious suits, of wilfully delaying the suits of their clients for their own advantage, or refusing or omitting, without sufficient cause to be shewn to the court, to carry on the suits of their clients after having accepted a vakalutnamah; of demanding or accepting from their clients any fee or sum of money, goods, effects or other valuable consideration beyond the fees which they are or may be authorized to receive under the Regulations; or of fraudulent practices, neglect or other misconduct in the discharge of their professional duty; or of gross profligacy or misbehaviour in their private conduct.

Agreements to receive leſs than the authorized fees declared to be illegal, and vakeels liable to diſmiſſion when parties to ſuch agreements.

VII. All agreements which may be entered into between pleaders and their constituents, for paying or receiving less than the established fees, are to be considered null and void; the whole of the vakeel's fees, which may be payable by the party in such cases, shall be forfeited to Government, and the pleader who may be convicted of having been a party in such illicit agreement, shall be liable to immediate dismission from his office.

Pleaders accepting vakalutnamahs in fictitious names, liable to be diſmiſſed.

VIII. The vakeels are required to use due precautions to ascertain the real names and the identity of persons who may propose to employ them as pleaders; and any authorized vakeel, who shall hereafter receive and file a vakalutnamah from any person under a fictitious name, shall be liable to be dismissed from his office; provided, however, that the judge upon full inquiry into the circumstances of the case, and the provincial court on consideration of the judge's report, shall deem him to be deserving of such punishment.

Vakeels required to examine and ſign the pleadings before they are filed.

IX. *First.*—The vakeels are hereby enjoined not to file any plaint, answer or other pleading, without previously ascertaining that such pleading has been duly prepared in conformity with the Regulations; that it contains no unnecessary repetitions of former pleadings, no terms of personal abuse or reproach against the opposite party, his vakeels, witnesses or other persons, and no groundless imputations on any court of justice or public officer, but that it contains such matter only as is apparently material and relevant to the suit. Every pleading filed by an authorized vakeel shall be signed by him, in testimony of his having considered and approved its contents.

Pleaders to examine exhibits previously to their being filed on the part of their clients;

and not to ſummon witneſſes without previouſly aſcertaining to what points their teſtimony is required.

Second.—In order that the expense, trouble and inconvenience, frequently experienced by filing irrelevant exhibits, and by summoning useless witnesses, may be avoided, the vakeels are hereby further required to examine the documents which their constituents may propose to exhibit in proof of their claims, previously to their being filed in court; and to ascertain from their constituents previously to summoning any witnesses, the specific points which such witnesses are expected to prove by their testimony.

Pleaders to be cenſured and eventually diſmiſſed, for breach of the preceding rules.

Third.—The courts will carefully point out to the notice of the vakeels such parts of the pleadings as are irregular, irrelevant or otherwise objectionable, and shall record their censure of any vakeel whose conduct, in opposition to the preceding rules, may in any particular instance demand such animadversion. If notwithstanding such recorded censure, a vakeel shall again be guilty of similar misconduct, he shall be liable to forfeit, in each instance, the amount of the fee to which he may be entitled in the suit, or to such other fine to Government, not exceeding twenty rupees, as the court may deem it proper to impose.

The Sudder Adawlut and the provincial courts, authorized to diſmiſs the pleaders of their reſpective courts.

X. *First.*—The Sudder Adawlut, and the several provincial courts, will at all times exercise their discretion in removing from office any pleader of their respective courts, who may be guilty of any of the acts above mentioned, or who may be otherwise deemed unfit for the situation.

Miſconduct or diſqualifications of pleaders attached to the zilla courts, to be reported by the

Second.—Whenever a zilla judge shall be of opinion that a vakeel attached to his court or to that of a register, or any of the sudder ameens, is unfit for the situation, in consequence of his having been guilty of any of the acts mentioned in the preceding

preceding sections, or that he is otherwise disqualified for the office of pleader, the judge shall report the circumstances of the case, together with his own opinion upon it, to the provincial court, who will pass such orders on the case as may appear to be proper, or will call for any additional information, or direct any further inquiry that the nature and circumstances of each case may appear to demand.

judges of those courts to the provincial courts; who will pass such order thereon as may be proper.

XI. The zilla judges are empowered, without the previous sanction of the provincial court, to suspend from his office any pleader, attached to their courts, who may be guilty of any gross act of fraud or misconduct; but in such instances, it shall be the duty of the judge to report the circumstances of the case, with as little delay as possible, for the information and orders of the provincial court.

Pleaders attached to zilla courts may be suspended from office without the previous sanction of the provincial court.

Such cases to be immediately reported for the information and orders of the provincial court.

XII. *First.*—The parties in a cause are authorized to prosecute their respective pleaders in the civil courts of judicature, for any damages or injury which they may have sustained from any breach of the Regulations on the part of their pleaders, or from any fraudulent conduct or malpractices committed by their pleaders regarding the suit.

In what cases the pleaders are liable to be prosecuted in the civil court by their clients.

Second.—Any party in a suit, who may be dissatisfied with the conduct of his pleader, shall be at liberty at any stage of the trial previously to the decision, to withdraw the power delegated to his pleader, and to appoint another vakeel to plead the cause. In such cases, the party is to present a petition to the court, notifying that he has withdrawn the management of the suit from such pleader, and is to file a new vakalutnamah in the name of the pleader whom he may appoint to carry on the suit: all acts, however, which may have been done by the first pleader on the part of his client, previously to his having been dismissed, are to be held valid; and on the conclusion of the suit, the court will exercise its discretion in awarding to the pleader first employed, any portion of the authorized fee, to which he may appear justly entitled, on a consideration of the trouble which he may have undergone, and the other circumstances of the case.

Parties may withdraw the management of a depending suit from their pleaders, and may appoint new pleaders in their room.

The court may award to a pleader so removed, any portion of the fee which may be proper.

XIII. If a pleader should be unable to attend the court in consequence of indisposition or other sufficient reason, he is to notify the same in writing to the court, on unstampt paper; and the hearing of any cause in which such pleader may be employed is to be postponed to a future day, unless the party or his authorized agent shall commit the management of the cause to any other pleader of the court, or unless the party himself shall be present and willing to plead the cause in person. If the management of the cause shall be entrusted to any other pleader of the court, instead of filing a new vakalutnamah, it shall be sufficient for the party, or his agent duly authorized, to endorse on the back of the original vakalutnamah, a written declaration that he has appointed some other vakeel of the court to conduct the cause, either permanently or during the absence of the pleader first appointed; and on passing a decision in such cases, the court shall direct the amount of the authorized fee to be divided between the two pleaders, in such proportions as may furnish an equitable remuneration for the trouble which they may have respectively undergone.

Measures to be adopted when a pleader may be unable to attend the court from indisposition or other sufficient cause.

XIV. *First.*—If a pleader shall fail to attend in court on any day fixed for the transaction of civil business, and shall omit to notify in writing to the court his inability to attend, in consequence of indisposition or other sufficient cause, the court is authorized to impose on such pleader, a fine for the first offence, not exceeding the sum of fifty arcot rupees, and for the second offence, not exceeding one hundred arcot rupees. If such pleader shall be guilty of a similar offence a third time, he shall be liable to dismission from his office.

Penalties for pleaders absenting themselves from court without notifying the cause of their absence.

Second.—If any pleader shall be guilty of disrespect to the court, in open court, the court is empowered to impose a fine upon him, not exceeding the sum of one hundred arcot rupees.

Pleaders may be fined one hundred rupees for disrespect to the court.

XV. *First.*—Whenever a sudder ameen may find it necessary to impose any fine on a pleader attached to his court, he shall report the circumstances of the case to the judge, who will either confirm and enforce, or modify or remit the fine, as may appear to him reasonable and proper.

Fines imposed on pleaders by the sudder ameens, to be reported to the zilla judge.

Second.—All orders imposing fines on pleaders, which may be passed by the judges or registers of the zilla courts, in conformity with this Regulation, shall be final, and the amount of the fines shall be levied either by a deduction from the

The orders of zilla judges and registers, imposing fines on pleaders, to be conclusive.

fees which may become due to the offender, or by the process which is prescribed for the execution of decrees; provided, however, that if a zilla judge shall in any particular instance see reason to believe that a fine has been imposed by a register on insufficient grounds, or that the amount of such fine is disproportionate to the offence, it shall be competent to the zilla judge to remit or modify the fine at his discretion; and the order of the zilla judge in such cases shall be conclusive.

Proviso.

Vakeels not allowed to plead in other courts than in those to which they may be attached. Exceptions.

XVI. The vakeels attached to one court are not to be allowed to plead in any other court; but this rule is not intended to preclude the zilla judges from making such an allotment and distribution of the pleaders attached to their courts, as may from time to time appear convenient, on a consideration of the civil business in their own courts, and in those of their registers, and of the sudder ameens.

Vakeels prohibited from being employed as agents in the fouzdaree courts of the zillas.

XVII. The authorized pleaders of the zilla courts are hereby prohibited, without obtaining the previous sanction of the judges of those courts, from officiating as agents in any prosecution, trial or proceeding, before the magistrates or their assistants. This prohibition, however, is not intended to apply to the cases of pleaders, who may be employed on the part of Government in conducting the prosecution of persons charged with criminal offences, or in the execution of any other duties in the criminal department which such pleaders may be directed or authorized to perform on the part of Government, under the Regulations which are now or may hereafter be in force.

Publication to be issued on the death, resignation or removal of a plaeder in a zilla court.

What the publication is to contain.

XVIII. *First.*—Whenever a vakeel attached to a zilla court may die, or may be removed from his office, or may voluntarily resign his situation, the judge of such zilla shall notify the same in a publication, to be affixed in his own cutcherry, and in the cutcherries of the register, sudder ameens, and the collector of the district; the publication shall contain a statement of the several depending cases in which such vakeel may have been employed, and a requisition to the parties who have retained such vakeel to attend in person, or to substitute another vakeel in room of the pleader formerly appointed by them, within a reasonable period, to be fixed by the court, not being less than six weeks. In such instances, instead of filing a new vakalutnamah, it shall be sufficient for the party, or his agent duly authorized, to endorse on the original vakalutnamah a written declaration that he has appointed some other vakeel of the court, in lieu of the pleader who may have died or resigned his office, or have been removed from his situation.

Such publication to be considered a good and sufficient notice.

Second.—A publication issued in conformity with the preceding rules shall be held and considered to be a good and sufficient notice; and if any party shall not attend or appoint another vakeel within the period limited in the publication, he shall be required to shew cause for the omission, and if sufficient cause be not assigned, the court shall proceed as in case of default, in conformity with the provisions in force.

Publication to be issued on the death, resignation or removal of a pleader in the provincial courts, or in the Sudder Adawlut.

Third.—A similar notification shall be issued on the death, resignation or removal of any pleader attached to the provincial courts, or to the Sudder Adawlut; if the pleader shall have been attached to a provincial court, the publication shall be affixed in the cutcherry of such provincial court and of the Sudder Adawlut, and in the cutcherries of the several zilla courts included in the division; and the period to be allowed for the parties to appear and substitute another vakeel shall not be less than two months. If the pleader shall have been attached to the Sudder Adawlut, the publication shall be affixed in that court, and in such of the provincial courts and of the zilla courts in which it may appear necessary to publish the same, with reference to the depending causes in which the vakeel may have been employed; and the period to be allowed to parties to appear and substitute another vakeel shall not be less than three months.

Similar publication may be issued in other cases.

Fourth.—The courts are authorized to apply the principle of the preceding rules to cases in which the decision of suits may be materially delayed by the protracted indisposition of a pleader, or by his continued inability to attend the court from any other cause which may be expected to be permanent or of considerable duration.

Courts empowered to adjudge a reasonable portion of the fee to a pleader who may have been removed from

Fifth.—Whenever a pleader, originally entertained by a party, may have commenced the pleadings and prosecution or defence of a suit, and from any cause, not originating in the misconduct of such pleader, another pleader shall be employed in his stead, it shall be competent to the court in which the suit is decided or terminated,

minated, to adjudge to the pleader so employed at the commencement of the suit (or if he be dead, to his heirs or legal representatives), such part of the established fee as may appear to be an equitable remuneration for the trouble which he may have undergone.

management of a cauſe without an fault on his part.

XIX.—The courts of civil judicature are hereby empowered to permit any of the authorized vakeels of their respective courts, to be arbitrators in depending suits, subject to the several rules and provisions in force for referring suits to arbitration.

Pleaders may be employed as arbitrators.

XX. *First*—.The authorized vakeels of the Sudder Adawlut, of the provincial courts, and of the zilla courts, are hereby empowered to receive fees for legal opinions, under the provisions contained in the following clauses of this section.

Pleaders may receive fees for legal opinions.

Second.—Any person who may be desirous of obtaining the opinion of an authorized pleader, regarding the legal validity and sufficiency of any claim, right or title which he may suppose himself to possess, and on the consequent expediency of prosecuting or defending, either originally or in appeal, such supposed claim, right or title, in the courts of civil judicature, may submit a written statement of his claim, under his seal, signature or mark, to the pleader whose opinion he may wish to obtain.

A written ſtatement of the caſe to be ſubmitted to the pleader.

Third.—The pleader to whom such statement may be submitted, after an attentive consideration of the laws, regulations, usages or precedents which may be applicable to the case, and of the arguments and proofs which may be adduced in support of the claim, shall furnish to the party, under his signature, a written declaration of his opinion, and of the grounds upon which that opinion may be formed.

The pleader to give a written declaration of his opinion.

Fourth.—If the pleader who may have furnished such written opinion shall be attached to the court of Sudder Adawlut, he shall be entitled to a fee of twenty-four arcot rupees; if he shall be attached to any of the provincial courts, he shall be entitled to a fee of sixteen rupees; if he shall be attached to a zilla court, he shall be entitled to a fee of eight rupees.

Rates of fees to be allowed in ſuch caſes.

Fifth.—Provided, however, that it shall not be lawful for any pleader who may have received a vakalutnamah in any suit instituted in a court of civil judicature, to receive the fee above prescribed, on account of any legal opinion which he may subsequently furnish to his constituent respecting any subject or question connected with such suit.

But pleaders who may have accepted a vakalutnamah in the caſe, not authorized to receive ſuch fee.

Sixth.—Any pleader who, under the preceding rules, may knowingly furnish an opinion of a nature evidently calculated to promote the institution of unfounded or litigious suits, or to discourage the amicable adjustment of dubious claims, shall be liable to be dismissed from his office; and if after furnishing such dishonest opinion, he shall be employed as a pleader in the suit, his fees shall be liable to be forfeited by order of the court, either to Government or to the party whom he may have wilfully misled by such opinion.

Pleaders liable to penalties for wilfully furniſhing a diſhoneſt opinion.

XXI. *First.*—When a party in a cause may be desirous of retaining a vakeel for the prosecution or defence of any civil suit, he shall not be required to pay to such vakeel the retaining fee of four annas, heretofore prescribed; but he shall execute to him a vakalutnamah, constituting him pleader in the cause and authorizing him to prosecute or defend the suit, and further binding himself to abide by and to confirm all acts which such pleader may do or undertake in his behalf in the cause, in the same manner as if such party had been personally present and consenting; the party is to attest the instrument with his seal or signature, or with his mark if he cannot write, in the presence of two credible witnesses, who are likewise to attest it in the same manner, and who are to attend the court and prove the vakalutnamah in all cases in which it may be judged requisite.

Retaining fee aboliſhed.

Rules for the execution of a vakalutnamah.

Second.—Such vakalutnamahs are to be written on the stampt paper prescribed in Section XX, Regulation XIII. of 1816, but shall not be liable to the stamp duty on exhibits under Section XVI. of that Regulation.

Vakalutnamahs to be written on ſtampt paper, but not liable to the ſtamp duty on exhibits.

XXII. When a vakeel, to whom a vakalutnamah may have been executed under the preceding section, shall consent to undertake the prosecution or defence of the suit, he shall affix his signature to the back of the vakalutnamah, together with the date on which such signature may be affixed, and shall thenceforward be precluded from

Pleaders, after accepting a vakalutnamah, are prohibited from being employed in the ſame cauſe againſt the party who

may have retained them.

from being employed in the same cause against the party who may have so retained him.

Security formerly required for the payment of vakeels fees no longer neceſſary. But the amount of the fees to be depoſited in court.

XXIII. *First.*—Whenever a pleader may have been duly appointed on the part of any plaintiff or appellant in any regular or summary suit instituted in a zilla court or provincial court, or in the Sudder Adawlut, such plaintiff or appellant, instead of furnishing security as heretofore required, shall deposit in the court a sum equal to the amount of his pleader's fee, according to the rate prescribed in the following section as applicable to regular suits, and in Section XXXII. as applicable to summary suits; and until such deposit be made, no vakeel shall be allowed to do any act in the suit, except in the case of paupers or in other cases specially provided for by the Regulations; a similar deposit shall likewise be required from defendants or respondents for the fees of the pleaders whom they may employ, and until such deposit be made, the vakeels shall not be allowed to plead, or to perform any act in the suit on the part of their constituents, except in the special cases above mentioned.

Receipt to be granted for ſuch depoſit.

Second.—A receipt on unstampt paper, duly attested by the sheristadar of the court, shall be granted in each instance to the party making the deposit; and a duplicate receipt similarly attested, shall be filed with the proceedings on the suit; an account of such deposits shall also be regularly entered into a register book to be kept by the sheristadar of the court for that purpose.

And a regiſter book of ſuch depoſits to be kept by the treaſurer of the court.

Receipts and regiſter book to be drawn up according to preſcribed forms.

Third.—The receipts shall be drawn up according to the form No. 3, and the register book shall be prepared and kept according to the form No. 4, of the appendix to this Regulation.

In what caſes the preceding rules are not applicable.

XXIV. The preceding rules are not intended to be applicable to the fees of vakeels employed on the part of paupers, or in presenting to the courts miscellaneous petitions or applications of the descriptions mentioned in Section XXXIV. of this Regulation. In such cases no previous deposit or security shall be demanded on account of the vakeel's fee; but the amount of the fee which may be ultimately awarded by the court under Section XXXV, shall be levied in the manner prescribed for the execution of decrees, in all instances in which the interposition of the authority of the court may be requisite for the purpose of realizing such fee.

Specification of the rates of fees payable to vakeels in regular ſuits.

XXV. *First.*—In all regular suits which may be instituted either originally or in appeal, from and after the first day of February 1817, in any of the zilla courts, the provincial courts, or the Sudder Adawlut, the vakeels employed by the respective parties are to be allowed, for pleading the causes of their clients, the rates of fees calculated as follows:

In suits for money, effects or for other personal property, or for land or other immovable property of any description, if the amount or value of the claim, estimated according to the provisions of Section XIV, Regulation XIII. of 1816, shall not exceed 5,000 arcot rupees—five per cent.

If the amount or value shall exceed 5,000 rupees and shall not exceed 20,000 arcot rupees; on 5,000 as above, and on the remainder two per cent.

If the amount or value shall exceed 20,000 rupees and shall not exceed 50,000 rupees; on 20,000 as above, and on the remainder one per cent.

If the amount or value shall exceed 50,000 arcot rupees, and shall not exceed 80,000 arcot rupees; on 50,000 as above, and on the remainder eight annas per cent.

If the amount or value shall exceed 80,000 rupees, the fee to the vakeel shall be one thousand rupees; and shall in no instance exceed that sum, however great may be the value or amount of the suit in which such vakeel may be employed.

Fractions of rupees to be rejected in the preceding calculations.

Second.—In all the preceding calculations, where the amount or value may be in fractions of rupees, such fractions are to be rejected in calculating the fees thereupon.

A receipt to be given for the preſcribed fees on ſtampt paper.

Third.—For every sum which may be paid to a vakeel by a civil court, on account of his fees, such vakeel shall give a receipt written on the stampt paper prescribed in Section XI, Regulation XIII, 1816.

Pleaders fees how to be charged in the judgment.

XXVI. *First.*—If the decree shall be given against the defendant or respondent, and the whole of the money or property which may be demanded by the appellant

appellant or plaintiff shall be decreed to him, a sum equal to the whole of the fees of his pleader shall be adjudged to the plaintiff or appellant, in addition to the other costs which may be awarded to him; but if only a part of the money or property claimed is decreed to the plaintiff or appellant, a sum bearing the same proportion to the money, or to the value of the thing decreed, as the fee did to the demand stated in the plaint or appeal, is to be decreed and added to the costs which may be awarded to the plaintiff or appellant.

Continuation of the same subject.

Second.—If the suit of the plaintiff or appellant shall be dismissed, whether upon an investigation of the merits or otherwise, the plaintiff or appellant is to be charged with the fees of his own pleader and with those of the defendant or respondent.

Proviso.

Third.—Provided, however, that if in any instance the payment of the pleaders fees, according to the preceding rules, should not appear to be just and equitable, the courts of civil judicature may exercise their discretion in charging the fees of the pleaders to the parties respectively, in such proportions as may appear equitable and proper under a consideration of all the circumstances of the case.

All legal expenses and costs to be included in the decree, and to be charged to the parties in such mode as may appear equitable.

XXVII. The courts of civil judicature are to insert in their decrees, all sums paid or payable by the parties, under the Regulations, on account of fees or stamp duties, as well as on account of compensation for the expense of witnesses and of subsistence money to peons employed in serving the processes of the courts, and of all other costs and expenses of the suit; such costs and expenses shall be ultimately charged to the parties cast, or to the parties respectively, in such proportions as the court may deem equitable.

Discretion vested in the courts to return a portion of the pleader's fee in certain cases to the party who may have deposited it.

XXVIII. When a suit, in which one of the parties may have been admitted to plead as a pauper, may be decided with costs in favour of the adverse party, and such pauper cannot make good the full amount of the costs awarded against him, the courts are authorized to return to such adverse party, any portion of the fee deposited by him on account of his vakeel, which may be deemed expedient, and to pay the remaining portion of the fee to the vakeel entitled to receive it. In exercising this discretion, the courts will be careful that the vakeel receive such a portion of the deposit as may in each instance appear to be a reasonable remuneration for the duty performed by him. The courts shall further endeavour to realize the remainder of the fee due to such vakeel, from any property which may subsequently be found to belong to the pauper.

Pleaders fees to be paid on the determination of the suit.

XXIX. Upon a decision being passed by the court, whether upon an investigation of the case or otherwise, the fees of the pleaders, deposited in the court, shall be paid to the persons respectively entitled to receive them; and such payment shall not be stayed or postponed, in consequence of an appeal being preferred from the decision.

Rules where two or more pleaders may be employed by the same party.

XXX. *First.*—The parties in a suit are respectively permitted to entertain two or more pleaders, who shall either divide the authorized fee between them, in an equal or in any other proportion which may have been previously agreed upon between them and their constituent, or shall each be entited to receive the full established fee, as may be specified in the vakalutnamah; but all stipulations to this effect shall be distinctly stated in the vakalutnamah, which shall otherwise be construed to entitle the whole of the vakeels appointed by it to an equal division of the established fee and no more.

In such cases one vakalutnamah only is requisite.

Second.—It shall be sufficient in such cases for the party employing two or more vakeels in the same suit, to file a single vakalutnamah; but the party shall be required to deposit in court the whole amount of the fees payable to his pleaders, under the rules contained in Section XXIII. of this Regulation.

When two or more pleaders may be employed, the adverse party shall in no case pay more than the prescribed fee for one pleader.

Third.—If the party shall agree to pay to each of the vakeels employed by him the full amount of the authorized fee, the opposite party in the suit shall in no case be required to make good more than the fee of one of those pleaders, or such part of that fee as may be adjudged against him by the court. The fees of the other pleader are to be considered as a separate expense, to be defrayed exclusively by the party entertaining him, and for which he is not to be reimbursed in any case whatever.

Rules for the payment of vakeels fees when the suit may be withdrawn or dis-

XXXI. *First.*—If a suit shall be withdrawn or dismissed on default without a determination upon the merits of the case, before all the requisite pleadings shall have been

missed without an investigation of the merits of the case.

been filed in court, the respective pleaders of the plaintiff and defendant, or of the appellant and respondent, shall each be entitled to only one fourth of the established fee which they would have received had the suit been brought to a regular decision by the court. If a suit shall be withdrawn or dismissed on default, after all the requisite pleadings shall have been filed in court, the respective pleaders are to be entitled to one half the fees which they would have received if judgment had been given in the cause. The fees in both of the above mentioned cases are to be charged to the plaintiff or appellant withdrawing the suit, or suffering it to be dismissed on default, together with all the admitted costs incurred by the defendant or respondent.

Rules applicable to the fees of pleaders in suits adjusted by razeenamahs.

Second.—The same rules shall be considered applicable to cases adjusted by razeenamah, except that the fees of the pleaders and all other costs of the suit, shall be paid by the parties in such manner and proportions as may have been agreed upon and inserted in the razeenamah.

Pleaders employed in summary suits to receive only one fourth of the fee prescribed in regular suits.

XXXII. The vakeels who may be employed by the respective parties in summary suits for the recovery of arrears of rent or revenue, or for recovering the possession of land, and generally in all other suits in which a summary process is authorized by the Regulations, are to be allowed for pleading such summary suits a fee equal to one fourth of the fee which they would have received had such suits been instituted as regular, and not as summary suits.

Such fees to be deposited in court, as in regular suits.

XXXIII. The fees which may be payable under the foregoing section shall be deposited in court, and paid to the vakeels entitled to receive them, in the same manner as is prescribed in regular suits under the preceding rules of this Regulation.

Pleaders to receive a fee of four annas for presenting miscellaneous petitions and applications; unless such applications may be connected with a suit in which the pleader is or may have been employed.

XXXIV. The pleaders in the several courts of civil justice are permitted to demand and receive a fee of four annas for each miscellaneous petition or application which they may present, or motion which they make in writing to the court; provided that such petition, application or motion, shall not relate to any suit depending before the court, wherein the person on whose behalf they may present such petition or application, or make such motion, may be a party; but all petitions, applications or motions presented or made to any of the courts on behalf of parties in a suit on which the fees prescribed by Sections XXV. and XXXII. of this Regulation may have been paid or may be payable, are to be considered as paid for by the fee allowed to the pleaders in the above mentioned sections; and the pleaders are to make all such motions, and do all such acts as may be requisite, relative to any suit in which they may have been entertained, not only during the trial of such suit, but after a decision shall have been passed, until the final judgment shall have been enforced.

Mode in which such fee is to be paid.

XXXV. The fee of four annas for miscellaneous petitions and motions, prescribed in the above section, is not required to be deposited in the court, but is to be paid by the party himself to the vakeel, at such time as may be mutually agreed upon; but as cases may occur in which the above fee of four annas may not be a sufficient compensation to the pleader or pleaders, the several courts of civil justice are authorized to award such additional fee in any instance, as they may consider to be a reasonable compensation to the pleader for the duty performed by him; and to cause payment thereof to be made either by the party who may have employed such pleader or pleaders, or as costs of suit by the opposite party, as may be deemed just and proper; provided, however, that the compensation which may be awarded in such cases shall in no instance exceed one fourth of the established fee to which the pleader or pleaders would have been entitled on a regular suit in the case in question.

Provisions for the payment of a higher fee in cases in which it may appear to be equitable.

Proviso.

Pleaders to give written receipts for documents entrusted to them by their clients.

XXXVI. Pleaders are to give written receipts on unstampt paper, for all accounts, writings or documents which may be delivered to them by their clients in the course of any suit or process; and if a pleader shall refuse to return such accounts, documents or writings, the court, upon a petition being presented to them for that purpose by the owners of the papers so withheld, shall cause them to be restored.

Rules for the appointment of pleaders on the part of Government.

XXXVII. *First.*—One or more of the authorized pleaders of the Sudder Adawlut, of the provincial courts, and the zilla courts, shall be appointed for the purpose of conducting the prosecution or defence of any suits in those courts respectively, which may be directed to be carried on at the public expense by any

Regulation, or by a special order from the Governor in Council or other authority competent to pass such order. Those pleaders shall be furnished with a sunnud or written authority to that purport, in the English and Persian languages, under the signature of the secretary to Government in the judicial department, and the sunnud shall be drawn up according to the form No. 5. of the appendix to this Regulation.

The death or removal of a pleader on the part of Government, as well as the nomination of a succeſſor, to be reported to the ſecretary to Government in the judicial department.

Second.—The several courts of justice shall report to the secretary to Government in the judicial department, the death, resignation or removal of any of the vakeels of Government attached to their respective courts; and shall at the same time nominate, for the approbation of Government, a proper person, being one of the authorized vakeels of the courts, to succeed to the vacant office. The courts shall in all instances select from amongst the established pleaders, such individual as may appear best qualified for the situation by his character and capacity.

Duties to be performed by pleaders on the part of Government.

Third.—The pleaders for Government are to undertake all causes which they may be directed to plead by orders from Government, or which may be directed by any Regulation to be carried on at the public expense, upon receiving an order for that purpose either from Government or from any officer or officers empowered by any Regulation to superintend and to furnish instructions for conducting such suits. The order of Government, or of such officer or officers, is to be filed in court as the authority of the pleader to plead the cause, and is to form part of the record of the proceedings.

Such pleaders prohibited from adviſing parties oppoſed to Government.

Fourth.—The pleaders of Government are prohibited from giving any advice to the parties opposed to Government in any civil suit or proceeding, and from being concerned, directly or indirectly, on their behalf, in suits which are directed to be carried on at the public expense; but in all other suits the pleaders of Government are to be at liberty to plead for either of the parties, in the same manner as the other authorized pleaders of the courts.

What fees they are entitled to receive.

Fifth.—The pleaders for Government are to be paid the same fees in causes directed to be pleaded at the public expense, as pleaders employed in causes between individuals, and under the same rules and restrictions; provided however, that the previous deposit, prescribed in Section XXIII. of this Regulation, shall not be required for the fees payable to the pleaders of Government, in the prosecution or defence of suits conducted at the public expense.

Proviſo.

To be guided by the ſame rules as pleaders in other ſuits.

Sixth.—In pleading suits directed to be carried on at the public expense, the pleaders for Government are to be subject to all the rules prescribed for their guidance when pleading on behalf of individuals, except in matters or cases in which it may be otherwise specially directed by any Regulation.

Another pleader may be aſſociated with the pleader of Government, in carrying on ſuits at the public expenſe.

Seventh.—The Board of Revenue, the Board of Trade, or any other authorities entrusted with the management of suits on the part of Govenment, are empowered to associate with the established vakeel of Government, any other authorized pleader, in cases in which such aid may, from the importance of the suit or any other reason, be judged necessary or advisable; such additional pleader shall be furnished with a vakalutnamah, duly authenticated by the officer or authority employing him, and shall be entitled to receive the same fees, and under the same rules and restrictions, as if he were employed on the part of an individual, subject however to the provision contained in clause fifth of this section.

Individuals not prohibited from pleading their own ſuits.

XXXVIII. No part of this Regulation is to be construed to prohibit or to prevent any individual from appearing and pleading his own cause in person, in any of the courts of civil judicature, without employing an authorized pleader.

This Regulation not intended to apply to vakeels under Regulations IV, V, VI, VII. and XII, 1816.

XXXIX. The provisions of this Regulation are not intended to apply to vakeels who may be employed in the courts of the village or district moonsifs, or before the village or district punchayets, or before the collectors of zillas, under the provisions of Regulations IV, V, VI, VII. and XII. of 1816.

The regulations are to be expoſed for the public inſpection, and the pleaders are required to make extracts from them.

XL. That the pleaders in the several courts, as well as all other persons, may have it in their power to render themselves acquainted with the Regulations enacted by the British Government, there shall be kept for public inspection, in the several courts of judicature, printed copies of all such Regulations, and of the translations in the native languages, bound up with the annual indexes; until the Regulations which may be passed in each year are so bound up, the separate copies of each Regulation, with the translation which may be printed and circulated to the courts, are

to

to be exposed as above directed; the Regulations are to be deposited upon a table, expressly allotted for that purpose, in some part of the court room, and to lie for public inspection every day, Sunday excepted, during the ordinary hours of business, when the pleaders of the courts and all other persons are to be at liberty to refer to the Regulations, or to take copies or extracts from them in the court room: on receipt of the translations of the Regulations in the country languages, the several courts of civil justice shall cause the same to be publicly read in their cutcherries, and shall require the native pleaders of their respective courts, to take copies of any of those translations which relate, directly or indirectly, to the administration of civil justice.

APPENDIX.

No. 1.

SUNNUD to be granted to Vakeels.

In conformity with the provisions of Regulation XIV, 1816, you *A. B.* are hereby appointed to the office of pleader in the Sudder Adawlut, or in the provincial court for the division of or in the zilla court of you will not be liable to be removed from your situation so long as you may conduct yourself with propriety, and discharge your duty with zeal and integrity, under the rules contained in the Regulations which now are or may hereafter be in force.

No. 2.

OATH to be administered to Vakeels.

I, *A. B.* solemnly swear, that I will truly and faithfully execute the duties of pleader of the Sudder Adawlut, or the provincial court for the division of or the adawlut of the zilla of to the best of my knowledge and judgment.

No. 3.

RECEIPT to be granted for deposits made on account of Vakeel's fees.

I, *A. B.* treasurer of the court of do hereby acknowledge to have received this day of the sum of arcot rupees being a deposit made by on account of the fees payable to his vakeel or vakeels, in suit No. in which the value or amount claimed by the plaintiff or appellant, amount to rupees

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No. 4.

REGISTER of Deposits on account of Vakeel's fees.

Number of the Suit and date of its institution.	Value or amount claimed.	Amount of deposit on account of the Plaintiff or Defendant, &c. &c.	By whom deposited, and for what Vakeel or Vakeels.	Date of the deposit and of the receipt for it.	Date of the payment to the Vakeel, and of his receipt.
No. 759. 25th July 1815.	700 Rupees.	Rupees 35 on account of Ramsing, Appellant.	By Tarmuchurn moktar of the Appellant, for Mersyfoo Vakeel.	10th of August 1815.	

No. 5.

SUNNUD to be granted to the Pleaders of Government, in the English and Persian Languages.

In conformity with the provisions of Regulation XIV, 1816, you *A. B.* are hereby appointed to the office of pleader on the part of Government, in the Sudder Adawlut, or in the provincial court for the division of or in the zilla court of you will not be liable to be removed from your office so long as you may conduct yourself with propriety, and discharge your duty with zeal, ability and integrity, under the Regulations which are now in force or which may hereafter be enacted.

PUBLIC LIBRARY OF THE MEDICAL BRANCH OF THE SOCIETY

A. D. 1816. REGULATION XV.

A REGULATION for modifying the jurisdiction of the Zilla and Provincial Courts, and the Court of Sudder Adawlut, in the trial of original suits and appeals; for amending some of the rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits; and for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees in regular suits and appeals:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 26th of October 1816; corresponding with the 12th of Arpysee of the year Dautoo 1738th year of Saliwahn, and with the 4th of Zulhudge 1231 Hijeree.

Preamble.

WITH the view of promoting the speedy administration of civil justice, it has been deemed expedient that certain modifications should be made in the existing rules regarding the jurisdiction of the zilla and provincial courts, and the court of Sudder Adawlut, in the trial of original suits and appeals, and that some of the provisions at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular civil suits should be amended; and it has been also deemed expedient to alter the rules at present in force regarding the pleadings and processes, and the mode of executing decrees in regular civil suits and appeals; the Governor in Council has therefore been pleased to enact the following rules, to be in force from and after the first day of February 1817.

The Sudder Adawlut empowered, whenever they ſhall ſee fit, to call up from provincial courts and try in the firſt inſtance ſuits for 45,000 rupees and upwards.

II. All original regular suits in which the value or amount of the claim, calculated according to the provisions of Section II, Regulation XII. of 1809, may exceed five thousand arcot rupees, shall be instituted and tried as heretofore in the provincial courts; but if it shall at any time appear to the Sudder Adawlut that, from the pressure of business in any of the provincial courts, suits amounting to forty-five thousand arcot rupees, and upwards, being the amount fixed for appeals to the Governor General in Council, can be more conveniently or expeditiously tried in the first instance by the Sudder Adawlut than by the provincial court before which they may be depending, it shall be competent to the Sudder Adawlut to order the transfer of all or any of such suits from the provincial courts to the Sudder Adawlut. In the transfer and trial of such suits the Sudder Adawlut shall be guided by the same provisions as are prescribed for the conduct of the provincial courts, regarding the transfer and trial of original suits exceeding five thousand arcot rupees in amount or value, depending in the zilla courts.

To be guided by the ſame rules as the provincial courts, in the transferring of cauſes to them from the zilla courts.

Section VIII, Regulation VII. of 1809, reſcinded.

Proviſion for ſpecial appeal from zilla judge's deciſion on an appeal from the deciſions of regiſters, ſudder ameens and moonſifs.

III. Section VIII, Regulation VII. of 1809, is hereby rescinded, and no appeal shall lie to the provincial courts from the decree of a zilla judge on an appeal from the decision of a register; provided however, that nothing in this section shall be construed to prohibit the provincial courts from admitting a second or special appeal from decisions passed by the zilla judges on regular appeals from the original judgments of registers, sudder ameens or moonsifs, such special appeals being admitted and tried under the rules and restrictions contained in Section IV. of this Regulation.

Provisions in modification of the rules in force regarding the mode of admitting special appeals.

IV. *First.*—In modification of the provisions contained in Sections XXVI. and XXIX, Regulation VII. of 1809, it is hereby enacted, that from and after the first day of February 1817, no special or second appeal shall be admitted by a provincial court or by the Sudder Adawlut, unless upon the face of the decree or of documents exhibited with it (assuming all the facts of the case as stated in the decree), the judgment shall appear to be inconsistent with some established judicial precedent or with some Regulation in force, or with the Hindoo or Mahomedan laws in cases which are required to be decided by those laws, or with any other law or usage which may be applicable to the case, or unless the judgment shall involve some point of general interest or importance not before decided by the superior courts.

Party to present a petition to the court competent to admit such special appeal.

Second.—When a party, upon any of the grounds specified in the preceding clause, may be dissatisfied with a judgment passed on a regular appeal by a competent civil court, and may in consequence be desirous of a second or special appeal, he shall within the limited periods prescribed for the admission of regular appeals, present a petition to the court which, under the provisions of Regulation VII. of 1809, may be competent to admit a special appeal in the case.

Such petition to be written on stampt paper, of what description, and what it is to contain.

Third.—Such petition shall be written upon the stampt paper prescribed in Section XIII, Regulation XIII. of 1816, with reference to the value or amount of the suit; the petition shall state distinctly the specific ground or grounds, under clause first of this section, on which the special appeal is solicited, and shall be presented either by the party in person or by an authorized pleader of the court. In the latter case the petition shall be signed by the pleader, who shall certify on the back of the petition that he has duly considered the grounds stated for admitting a special appeal under clause first of this section, and believes them to be well founded and sufficient.

Mode of proceeding when a special appeal may be admitted.

Fourth.—If on a consideration of the circumstances of the case, the court shall see reason for admitting a special appeal on any of the grounds stated in the first clause of this section, the appellant shall be required to furnish the prescribed security, and to deposit the amount of the fees payable to his pleader under the rules in force, within a reasonable period to be fixed by the court; when the required security and deposit shall have been duly furnished, the court will admit the special appeal, and proceed to investigate the suit under the same rules as are prescribed for the trial and determination of regular appeals.

Courts authorized to refund a portion of the stamp duties in certain cases when the petition for a special appeal may be rejected.

Fifth.—If the court shall not see sufficient reason for admitting the special appeal, and shall in consequence reject the petition, the appellant shall not be entitled to receive back the amount or value of the stamp on which the petition may have been written, under clause third; the courts are however vested with a discretionary authority, in any particular instance of hardship, to refund any portion not exceeding three fourths of the amount of such stamp duty, to the party who may have paid the same or to his legal representative.

All orders passed by competent courts regarding special appeals to be final.

Sixth.—It is hereby declared that the order of a provincial court, refusing to admit a special or second appeal under the powers vested in them by this Regulation, as well as the judgments which they may respectively pass on special appeals admitted by them, shall in all cases be final, and shall not be liable to any further revision by a superior court.

Pleaders entitled to certain fees on the rejection of special appeals.

Proviso.

Seventh.—When an application for a special appeal presented through an authorized pleader to a provincial court or to the Sudder Adawlut, may be rejected by the court, such pleader shall be entitled to receive from the party employing him any remuneration for his trouble which the court may think proper to adjudge; provided, that such remuneration shall in no case exceed one fourth of the amount of the fee to which the pleader would have been entitled had the special appeal been admitted and determined by the court; nothing in this section shall be understood to affect any special appeals which may have been already admitted, and which may be admitted previously to the first day of February 1817, by the provincial courts or the Sudder Adawlut.

Provisions rescinded.

V. *First.*—Clauses twelfth and thirteenth, Section XII, Regulation IV. of 1802, and Clause thirteenth, Section X, Regulation V. of 1802, and Section XXVIII, Regulation VII. of 1809, are hereby rescinded, and the following provisions are enacted in their stead.

Second.—It shall be competent to the Sudder Adawlut to receive a summary appeal from the orders or decrees of the provincial courts, in all cases in which the latter may have refused to admit an original suit or appeal regularly cognizable by them; or having admitted such suit or appeal, may have dismissed it on the ground of delay, informality or other default, without an investigation of the merits of the case.

Cases in which the Sudder Adawlut may admit a summary appeal.

Third.—In like manner it shall be competent to a provincial court to receive a summary appeal from the orders or decrees of the zilla courts, in cases in which the latter may have refused to admit an original suit or appeal regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it, without an investigation of the merits, on the grounds of delay, informality or other default.

Cases in which the provincial courts may admit a summary appeal.

Fourth.—On the same principle it shall be competent to the zilla judges to receive a summary appeal from the orders or decrees of a register or sudder ameen, in cases in which the register or sudder ameen may have dismissed, on the grounds of some default, and without an investigation of the merits of the case, any original suit or appeal regularly referred to them.

Cases in which the zilla judges may admit a summary appeal.

Fifth.—In all the preceding cases the summary appeal shall be preferred within the same limited period as is prescribed for the admission of regular appeals, and subject to the provisions contained in the following clauses.

Limitation of time for the admiſſion of ſummary appeals.

Sixth.—Whenever a party may be desirous of preferring a summary appeal in the cases above mentioned, he shall appear either in person or by a vakeel duly authorized, before the court which under the preceding rules may be competent to receive such appeal, and shall present a petition written on the stampt paper prescribed by Section XX, Regulation XIII. of 1816, and accompanied by an attested copy of the order or decree passed in the case.

On what ſtampt paper the petition for a ſummary appeal is to be written.

Seventh.—The party presenting such petition shall not be liable to the payment of the stamp duty substituted for the institution fee by Section XIII, Regulation XIII. of 1816, nor shall he be required to furnish the deposit for the fee of his vakeel, or any security, except such as may be eventually necessary, under the Regulations in force, for staying the execution of the decree from which the appeal may be preferred.

Party not liable to pay the inſtitution fee nor to furniſh the uſual depoſit or ſecurity.

Exception.

Eighth.—It shall not be requisite to give any notice to the respondent, or to require his attendance on such summary appeal being preferred, unless in any particular instance the court may deem it proper to adopt that measure, nor shall any pleadings or proceedings be holden on such summary appeal, excepting such as may suffice to determine whether the suit was or was not rejected or dismissed by the lower court on sufficient grounds and in conformity with the Regulations.

Mode of proceeding in ſummary appeals.

Ninth.—If upon such summary proceedings, it shall appear to the court that the suit was rejected in the first instance, or after having been admitted was dismissed, without an investigation of the merits, upon insufficient grounds or in opposition to the Regulations, it shall be competent to the Sudder Adawlut, to the provincial courts, and to the zilla judges respectively, to direct the lower court or officer from whose order or decree the petition of appeal may have been presented, to receive the original suit or appeal, or to revive it if it shall have been received and dismissed, and to try and determine such cause on its merits according to the Regulations.

In what caſes the lower courts may be directed to receive or revive the ſuit.

Tenth.—If on the contrary such summary appeal shall be found to be groundless and litigious, the Sudder Adawlut, the provincial courts, and the zilla judges, are respectively authorized and required to reject the petition for a summary appeal, and to impose such fine on the litigious appellant as may appear to be in each instance proportionable to the condition of the party and to the circumstances of the case, provided that such fine shall in no case exceed the amount of the stamp duty which would have been payable by the appellant on the institution of such case as a regular suit or appeal. All orders imposing fines, or rejecting petitions of summary appeals, which may be passed under this clause by the Sudder Adawlut, the provincial courts, or by the zilla judges, shall be final and conclusive.

In what caſes the courts may reject the ſummary appeal, and fine the appellant.

Proviſo.

The orders of the courts in ſuch caſes to be final.

Eleventh.—When a pleader may be employed in such summary appeals, the court is authorized to award to him such fee as may be considered to be a sufficient compensation for his labour, provided that it shall in no case exceed one fourth of the fee

Proviſions for pleaders fees in ſuch caſes.

Proviſo.

fee to which such vakeel would have been entitled, if the suit had been instituted either as an original suit or as a regular appeal.

Provisions rescinded.

VI. *First.*—Section XXII, Regulation II. of 1802; Section XXX, Regulation IV. of 1802; and Section XXXVII, Regulation V. of 1802, are hereby rescinded; and the following rules are substituted in their stead.

Provisions regarding the mode of applying for permission to review judgments from which no appeal shall have been preferred.

Second.—Any persons considering themselves aggrieved by a decree passed in a regular civil suit or appeal by a zilla or provincial court, from which decree no further appeal may have been admitted by a superior court, and who from the discovery of new matter or evidence, which was not within their knowledge or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition for this purpose to the court in which the decree in question may be passed; such petition shall be written on stampt paper of the value prescribed in Section XX, Regulation XIII. of 1816, and shall be presented within the period of three calendar months from the delivery or tender of the decree, which period shall be calculated according to the provisions of Clause tenth of Section VIII. of this Regulation. The courts are nevertheless authorized to admit applications for a review after the period above mentioned, provided that the parties preferring the same shall be able to shew just and reasonable cause to the satisfaction of the court for not having preferred such application within the limited period; in such case, however, the courts are enjoined to proceed with caution, and to state at large upon the proceedings their reasons for admitting such applications after the limited period. If the courts shall be of opinion that there are not any sufficient grounds for a review, they shall reject the petition, and their order to that effect shall be final; but if on the contrary they shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, they shall report the same to the Sudder Adawlut, transmitting at the same time a statement of the grounds of their opinion, with a copy of the petition presented to them and a copy of the decree passed in the case.

Provisions empowering the Sudder Adawlut to grant a review.

Third.—The court of Sudder Adawlut, in cases referred to them under the preceding clause, as well as in all cases in which a petition may be presented to them for a revision of their own judgments which may not have been appealed to the Governor General in Council, (or though appealed, the proceedings in which may not have been transmitted to the Governor General in Council), are authorized to grant the review desired, if upon a consideration of the reasons stated, the circumstances of the case shall appear in justice to require it; the Sudder Adawlut shall record on their proceedings the grounds upon which a review may be granted by them in each instance, and shall issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

The orders rejecting applications for a review, not to bar the right of a party to prefer a regular appeal.

Fourth.—The order of a zilla court, or of a provincial court, or of the Sudder Adawlut, rejecting the petition for a review in the first instance, or of the latter court refusing to sanction a review when applied for by a lower court, shall not be construed to preclude the party from instituting a regular appeal (if the case be appealable) in a competent court, subject to the conditions and rules prescribed by the Regulations in force for the admission of such appeals.

An appeal to lie to the Sudder Adawlut from the provincial courts in all civil suits tried by them in the first instance.

Fifth.—It is hereby further declared that an appeal shall lie to the court of Sudder Adawlut from the judgments passed by the provincial courts, in all regular civil suits which may be tried and determined by them in the first instance.

Modification of certain provisions in force.

VII. *First.*—The rules contained in Sections V. and VI, Regulation III, 1802, are hereby declared subject to the following modifications.

Registers not required to file a rejoinder when the defendant may refuse or neglect to do so.

Second.—When a defendant in an original civil suit shall refuse or neglect to file a rejoinder within the period prescribed for that purpose, it shall not be necessary for the register (as hitherto required) to enter a rejoinder for him, but the court before whom the trial may be depending, after recording such refusal or neglect, shall proceed in the trial of the suit, in the same manner as if a rejoinder, containing a general denial of the claim, had been regularly filed.

Rules regarding the admission of supplemental pleadings.

Third.—From and after the 1st day of February 1817, no supplemental complaint or other supplemental pleadings shall be admitted in any suit, unless the court, upon

upon a perusal of the pleadings previously filed, and from a consideration of the circumstances alleged by the parties, shall deem it just and proper to admit such supplemental plaint or other supplemental pleadings to be filed in the suit.

VIII. *First.*—Such parts of Section XII, Regulation IV, 1802, and Section X, Regulation V. of 1802, or of other provisions in force, as relate to the admission of regular appeals, are hereby declared subject to the following modifications.

Modification of provisions relative to the admission of regular appeals.

Second.—Any party who may be desirous of appealing from a judgment passed against him, from and after the first day of February 1817, by a sudder ameen, a register, or a judge of any zilla court from which a regular appeal may be admissible under the Regulations, shall be at liberty to present his petition of appeal without an authenticated copy of the decree, to the judge of the zilla in which the decision may have been passed; such petition of appeal shall not be required to contain the specific grounds or reasons of the appeal, but may state shortly that the party being dissatisfied with the judgment, is desirous of appealing from it. The petition must be written on stampt paper according to the rates contained in Section XIII, Regulation XIII. of 1816, and must be accompanied by the prescribed security for the eventual costs in appeal.

The petition of appeal from the decisions passed in the zilla court may be presented to the judge without an authenticated copy of the decree.
The petition need not contain the detailed reasons for the appeal.
But must be written on prescribed stampt paper, and accompanied by the requisite security.

Third.—The zilla judge, after referring to the decree in the original record of the suit, shall admit the appeal, provided that the petition of appeal and the security required shall have been duly presented in the mode above prescribed, within the periods limited for the admission of such appeals under the existing Regulations.

The judge may admit the appeal, after referring to the original decree.
Proviso.

Fourth.—The deposit for the pleader's fees prescribed by Section XXIII, Regulation XIV, 1816, in lieu of the security formerly demanded for such fees, is not required to be furnished with the petition of appeal; but in cases in which a pleader shall be appointed to conduct the appeal, the deposit shall be delivered to the court by which the appeal is to be tried.

The deposit of pleaders fees to be paid into the court by which the appeal may be tried.

Fifth.—The specific objections to the judgment, and detailed grounds and reasons for preferring the appeal, may be stated, at the option of the party, in the original petition of appeal, or may be subsequently filed in the court trying the appeal as a separate pleading; in the latter case such pleading is to be written on the stampt paper, and according to the rates prescribed for other pleadings in Section XIX, Regulation XIII. of 1816.

Appellants authorized to state their reasons of appeal, either in the petition or in a separate pleading.

Sixth.—In like manner any parties who may be desirous of appealing from the judgments passed by the provincial courts in suits regularly appealable to the Sudder Adawlut, or from the judgments of the Sudder Adawlut in suits which may be regularly appealable to the Governor General in Council, shall be at liberty to present their petition of appeal without an authenticated copy of the decree, to the court by which the judgment may have been passed, in conformity with the provisions contained in the preceding clauses of this section.

The provisions in the preceding clauses applicable to appeals from decisions passed by the provincial courts and by the Sudder Adawlut.

Seventh.—Under the preceding rules, parties in suits decided in the first instance in a zilla court, a provincial court, or the Sudder Adawlut, will be enabled to prefer an appeal from such decision without the necessity of filing an authenticated copy of the decree; but if any party in a suit which may be regularly appealable to a provincial court, or to the Sudder Adawlut, may be desirous, under the option allowed by the Regulations, of presenting his petition of appeal in the court by which the appeal is to be tried, rather than in the court by which the decision may have been passed in the first instance, it shall be requisite for such party to file with his petition of appeal an authenticated copy of the decree.

In what cases it shall be necessary to file an authenticated copy of the decree with the petition of appeal.

Eighth.—For the purpose of obtaining an authenticated copy of the decree in such case, the party desiring it shall furnish to the court by whom the decision may have been passed, one, two or more sheets or rolls of the stampt paper prescribed in Section XXII, Regulation XIII. of 1816, as may be necessary for transcribing the decree.

Parties requiring a copy of a decree, to furnish the requisite stampt paper.

Ninth.—When such stampt paper shall be furnished, the sherishtadar, or such other principal officer as may be authorized by the court to discharge that duty, shall endorse on it the date of its being furnished, the name of the party on whose account it may be presented, and the number of the suit to which it may be intended to be applicable, and shall grant to the party a corresponding receipt for the same on unstampt paper; the copy of the decree shall then be prepared and duly authenti-

Courts how to proceed when such stampt paper may be furnished.

cated, and shall be delivered or tendered to the party by whom the stampt paper may have been furnished, or to his vakeel, in open court, and the date of the delivery or tender of such copy shall be also endorsed on the copy.

Limitation of time for the admiſſion of appeals, how to be calculated in ſuch caſes.

Tenth.—The respective periods limited by the Regulations for the admission of appeals in such cases, shall be calculated from the date on which the decision may have been passed; excluding from the calculation of such periods, the interval which may have elapsed in each instance between the date on which the requisite stampt paper may have been furnished by the party to the court, and that on which the copy of the decree may have been tendered or delivered to the party in open court, in the mode prescribed in the Regulations. The courts will in all cases be enabled to ascertain such interval by the endorsements on the copy of the decree required to be made under clause ninth of this section.

The proviſions of the three preceding clauſes applicable to copies of decrees or orders from which a party may deſire to prefer a ſpecial appeal and a ſummary appeal.

Eleventh.—The principles of the rules contained in clauses eighth, ninth and tenth of this section, are to be considered applicable to all copies of decrees from which a party may be desirous of preferring a special or a summary appeal, and to all copies of orders passed by the judges and registers of the zilla courts, by the provincial courts and by the Sudder Adawlut, which those courts may be required to furnish to parties under the provisions of any Regulation.

Modification of rules regarding pleadings in appeals.

IX. *First.*—Such parts of the Regulations in force as require that the pleadings in appealed suits shall be conducted and filed in the same manner and under the same rules as pleadings in original suits, are hereby declared subject to the following modifications.

The reſpondent may file an anſwer to the reaſons of appeal or not, at his option.

Second.—In all regular civil suits which may be appealed from and after the first day of February 1817, to a zilla court, to a provincial court, or to the sudder adawlut, it shall be left to the option of the respondent, either to file an answer to the petition and reasons of appeal, or not, as he may judge proper; provided however, that if no answer shall be filed by a respondent, it shall be competent to the court trying the appeal, in all cases in which it may be deemed expedient, to direct the respondent to file an answer to the petition of appeal, or to any particular points in it which may appear to require an answer or explanation.

Proviſo.

No further pleadings beyond the anſwer to be admitted, with certain exceptions.

Third.—No further pleadings beyond the answer of the respondent, shall be admitted in any appealed suits which may be instituted from and after the first day of February 1817, except the duplicate of the plaint provided for by Clause first, Section XXIV, Regulation XIII. of 1816, or such supplemental pleadings as may be authorized by the court under the provisions of Clause third, Section VII. of this Regulation.

Pleadings to be read before exhibits are filed or witneſſes ſummoned.

Exception.

X. *First.*—In the trial of original regular suits, as well as in the trial of appeals in such suits, the prescribed pleadings shall be completed and read in open court, before any exhibits are filed or witnesses summoned in support of the allegations of either of the parties, unless special and sufficient reason be assigned for taking the immediate deposition of a witness without waiting until the pleadings are completed and read in open court.

Courts to require any neceſſary explanations of the caſe from the parties or their pleaders.

Second.—If from the pleadings in the case the points at issue cannot be clearly ascertained, or if from any other reason further explanations may be requisite, the courts shall on the day on which the suit may be first brought to a hearing, make such inquiries from the parties or their pleaders as may appear necessary, with a view to ascertain the precise object of the action and the grounds on which it is maintained, and shall record the result on their proceedings.

The courts to record the points neceſſary to be eſtabliſhed by the parties.

Third.—The court shall then consider and record the point or points to be established respectively by the plaintiff or appellant, and by the defendant or respondent, and shall proceed to take the evidence which may be adduced by either party upon such points, in the manner prescribed by the rules in force.

And any additional points which may ſubſequently appear neceſſary; and no evidence to be admitted except with regard to the points ſo recorded.

Fourth.—In like manner, if proof shall be required on any other points in the course of the trial, such points shall be recorded on the proceedings, and the proper party shall be called upon for the requisite evidence; and no exhibit shall be filed or witness summoned, unless expressly declared to be in proof or refutation of some point upon which the court may have directed that evidence should be taken.

Evidence of witneſſes which may be required in certain

XI. In modification of Section IX, Regulation XII. of 1809, it is hereby provided, that whenever a witness, whose evidence may be required by the Sudder Adawlut

Adawlut or by a provincial court, may reside at such a distance as to render his attendance before such court inconvenient, or whenever from any cause it may be deemed improper to summon a witness to such court, the Sudder Adawlut or the provincial court, instead of merely instructing the zilla judge upon what points the witness is to be examined, shall prepare and transmit to the zilla judge distinct written interrogatories to be put to each witness; such interrogatories shall be prepared and signed by the parties or their vakeels, under the direction of the court, and shall be countersigned by the judge of the court who may order the examination. The zilla judge, to whom such interrogatories may be sent, shall in the first instance cause the depositions of the witnesses to be taken in answer to the interrogatories, and shall then allow the parties or their pleaders, in whose presence the witnesses may be examined under Section IX, Regulation XII. of 1809, to put any other questions which may appear relevant to the points at issue in the case.

cases by the provincial courts and Sudder Adawlut, to be taken by the zilla judges on written interrogatories.

XII. *First.*—In order that the parties in a suit, or their authorized pleaders, may be fully prepared to file their exhibits and to name their witnesses, as well as to furnish any explanations of the case which may be required at the time when the suit may first be brought to a hearing, the several courts are enjoined carefully to attend to those provisions in the Regulations which require that eight days previous notice shall be given to the parties of the day on which the court may propose to bring the suit to a hearing.

Previous notice to be given by the courts of the day on which a suit is to be brought to a hearing.

Second.—For this purpose, it shall be sufficient for the court to affix, in some conspicuous place in the court room, a notification, specifying the number of the suit, the names of the parties and of the vakeels respectively entertained in the suit, together with the date on which it may be intended that such suit shall be brought to a hearing before the court, and such notice shall be held and considered to be in force until the suit can be brought to a hearing, either on the day fixed or any subsequent day.

A notification of the day duly affixed in the cutcherry, shall be sufficient notice.

Third.—If either of the parties in a suit, which may be brought to a hearing after due notice shall have been given in the manner above prescribed, shall not be prepared to file his exhibits or the names of his witnesses, or to furnish any explanations of the case which may be required by the court, and shall not assign sufficient and satisfactory reason for the delay, the courts are authorized to impose upon such party such fine as may appear just and proper; provided that the fine shall in no instance exceed one fourth of the fee paid on the institution of the suit, or of the amount of the stamp duty substituted for such fee. If a similar neglect shall occur a second time, after due notice shall have been given of the day fixed for the case being again brought forward, the courts are authorized either to impose a second fine under the limitation above prescribed, or to proceed as in other cases of default.

Courts authorized to fine parties, who may not be prepared to file exhibits or to name their witnesses on the day notified for the hearing of the suit.

Further penalty on a repetition of similar neglect.

XIII. *First.*—The following provisions are enacted in addition to the rules now in force, regarding the security to be required from parties for the execution of decrees of the civil courts, or for staying the execution of judgments in the civil suits during an appeal in such suits.

Additional rules regarding security furnished in civil suits.

Second.—All persons who may enter into security bonds for the purposes mentioned in the preceding clause, are prohibited from transferring or from causing to be transferred, by sale, gift, mortgage or otherwise, any land or other immovable property belonging to them, and specified in the schedule of property on which their security may have been accepted, until the object of their security shall have been completely fulfilled.

Sureties prohibited from transferring their rights in any immovable property on which their security may have been accepted.

Third.—This prohibition, however, shall not be construed to affect the legality of any private transfer or mortgage of such property, in cases in which the amount of any demand on the surety, which may eventually arise under the terms of the security bond, shall be duly discharged by him; but it is hereby declared, that no private transfer or mortgage of such property, which may be made by a surety in the interval between the execution of the security bond and the final and complete enforcement of the judgment, shall be considered to bar the prior right of the court to hold the whole or any part of such property answerable, in the first instance, for the amount of any demand upon it which may eventually arise under the terms of the security bond, and which may not be duly discharged by the surety.

Explaining the purport and intent of the foregoing prohibition.

XIV. *First.*—Such

Modification of existing rules regarding the execution of decrees.

XIV. *First.*—Such parts of the Regulations as are construed to require that the decrees passed in civil suits shall be executed and enforced by the courts without any application for that purpose from the parties, are hereby declared subject to the following modifications.

Under what rules the decrees of village and district punchayets are to be enforced.

Second.—The execution of decisions passed by village punchayets and district punchayets, which may be required to be carried into effect by the zilla judge, under Regulations V. and VII. of 1816, shall be subject to the modifications of this section.

Decrees passed previously to this Regulation being in force, to be executed under the rules heretofore in force.

Third.—Decrees which may be passed by the zilla courts, the provincial courts, or the Sudder Adawlut, on regular suits or appeals, previously to the time when this Regulation shall begin to take effect, shall be executed by those courts according to the provisions of the Regulations heretofore in force, and in the same manner as they have hitherto been enforced.

Courts not bound to execute decrees from and after the 1st of February 1817, except in conformity to the following rules.

Fourth.—The zilla courts, the provincial courts, and the Sudder Adawlut, shall not be required to carry into execution any decree, which may be passed in original suits or in appeals, from and after the first day of February 1817, except in conformity with the following rules and provisions.

Parties desiring to have their decree enforced, to present a petition to the court.

Fifth.—Any party who may be desirous of obtaining the execution of a decree passed from and after the first day of February 1817, shall appear either in person or by an authorized pleader, before the court by whom such decree may have been passed, or if the decree shall have been passed by a sudder ameen, before the zilla judge, and shall present a petition, written on the stampt paper prescribed in Section XX, Regulation XIII. of 1816, praying for the execution of the decree.

What the petition is to contain.

Sixth.—The petition shall state the number of the suit, the names of the parties, the date and substance of the decree, whether any appeal has been preferred or admitted from the decision, and whether any or what adjustment of the matter in dispute has been made between the parties subsequently to the decree; it shall further contain a statement of the specific amount due to the petitioner under the decree, whether on account of costs of suit or otherwise, and the name of the individual or individuals against whom the enforcement of the decree is solicited.

The court how to proceed in the execution of the decree.

Seventh.—The court, after causing the purport of the petition to be compared with the decree contained in the original record of the suit, shall proceed to execute the same, in conformity with the provisions which are now in force or which may be hereafter enacted.

In certain cases specified, the court to make previous inquiries and to pass such orders as may appear just and proper with regard to the execution of the decrees.

Eighth.—Provided however, that if the suit shall have been tried ex parte, or that an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or that the enforcement of the decree shall be solicited against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if there shall appear reason to believe that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing adjudged, or by the payment of the sum decreed either in whole or in part, by instalments or otherwise, it shall be competent to the court, instead of proceeding to the immediate enforcement of the decree, to issue a notice to the party against whom execution may be sued out, requiring him to shew cause, within a limited period to be fixed by the court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not shew sufficient cause to the satisfaction of the court, why the decree should not be forthwith executed, the court will cause the judgment to be satisfied according to the rules in force. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the court shall issue such order, after a due consideration of the circumstances of each case, as may appear just and proper.

Provisions for recovering costs due to Government, and vakeels fees, and for executing decrees in pauper suits.

Ninth.—The preceding rules shall not be construed to prevent the courts from issuing process of execution, for the purpose of recovering any fees or costs which may be due to Government, or any fees due to vakeels by a party in a suit, whether decided before or after the first day of February 1817. In such cases, as well as in suits in which a party may have been allowed to plead in formâ pauperis, the court shall proceed, without any application from the parties, to enforce execution of

of the judgment, so far as relates to the recovery of the amount of fees or costs due to Government or to pleaders in the suit.

XV. *First.*—Such part of Section XXI, Regulation III. of 1802, and such other provisions of the Regulations as require all orders and processes of the courts to be written or printed in the Persian language, and such part of Section IV, Regulation XIII. of 1802, as requires the keepers of the records to keep a register in the Persian language of all the proceedings, documents and other records belonging to the courts to which they may respectively be attached, are hereby rescinded.

Rescinding of provisions requiring all orders and processes of the courts and registers of records to be written and printed in the Persian language.

Second.—The decrees passed by the zilla and provincial courts, and by the court of Sudder Adawlut, shall be written in English, and shall have annexed or subjoined to them a translation in one of the current languages of the country.

Decrees by the different courts of judicature to be written in English, and translation of the current language of the district to be annexed to them.

Third.—The orders passed on miscellaneous petitions presented to a zilla court, shall be written in the current language of the district in which such court is stationed; and English translations of such orders shall be furnished on the special application of the parties presenting the petitions.

Orders on miscellaneous petitions presented to the zilla courts to be written in the current language of the district; and English translations to be furnished on special application.

Fourth.—The orders passed on petitions presented to the provincial courts, or to the court of Sudder Adawlut, shall be written in English, and shall have annexed or subjoined to them a translation in one of the current languages of the country.

Orders passed on petitions by the provincial courts and Sudder Adawlut, to be written in English, and a translation in one of the current languages of the country to be annexed.

Fifth.—The summonses and other processes issued by the several courts, shall be written or printed in one of the current languages of the country.

Processes to be written or printed in one of the current languages of the country.

Sixth.—It is to be understood that the country language in which the processes, orders and decrees are to be written, or into which they are to be translated as above directed, shall be the language most familiar to the party or parties concerned; and if a party shall be desirous of having a Persian translation of a decree or order, instead of a copy or translation thereof in one of the current languages of the country, the court passing the decree or order shall comply with his application to that effect.

The country language in which the processes, &c. are to be written, must be the one most familiar to the parties; and any party preferring a Persian translation, to be furnished therewith.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay*, in the Year 1816.—N^os^ I. to X.

A REGULATION for modifying and amending the rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers:—Passed by the Right honourable the Governor in Council, on the 31st January 1816; corresponding with the 2d Maha Sood Sumbut or Vikramajet era 1872; Salbahan 1737; and the 30th of Suffer 1231 of the Hijeree.

Preamble.

WHEREAS it has been deemed expedient to reduce into one Regulation the whole of the provisions which will be applicable to persons suing in formâ pauperis, the following rules have been enacted, to be in force from the 1st of March 1816.

II. Regulation X, A. D. 1802, is hereby rescinded.

No pauper suit to be admitted in which the value of the thing claimed shall not exceed rupees fifty.

III. No person shall be hereafter entitled to institute or defend any suit in formâ pauperis in any civil court of judicature, unless the amount or value of the thing claimed shall exceed the sum of fifty rupees.

Persons preferring claims of certain descriptions, not to be admitted to sue as paupers.

IV. No person shall be hereafter permitted to institute a suit as a pauper, in any civil court of judicature, if the claim shall be for damages on account of loss of cast, slander, abusive language, assault or personal injuries of any description; or if the claim shall be for the possession or recovery of deeds or papers, or for fines, forfeitures or pecuniary penalties, on account of any breach of the Regulations.

Parties desiring to sue as paupers are to present a petition on stampt paper in person.

V. *First.*—Whenever a party may be desirous of instituting an original suit as a pauper in any zillah or city court, or in a provincial court, he shall appear in person before such court, and shall present a petition, written on the stampt paper prescribed for miscellaneous petitions in Section XXXII, Regulation XIV, 1815; provided however, that if the party be a female of a rank and description which, according to the prejudices of the country, would render it improper to require her personal attendance in a court of justice, such petition may be presented by a mokhtar or agent duly authorized for that purpose.

What the petition is to contain.

Second.—The petition shall contain a general statement of the nature and grounds of the damage, of the value of the thing claimed according to the provisions contained in Sections XXVII. and XXVIII, Regulation XIV, 1815, of the name of the persons intended to be sued, and a schedule of the whole real or personal property belonging to the petitioner, with the estimated value of such property.

Petitioner's examination to be taken on oath, with certain exceptions.

Third.—The court in which such petition may be presented, or one of the law officers of the court specially authorized, shall then proceed to take the examination of the petitioner, or if the petitioner be a female of the description mentioned in clause first of this section, the examination of her agent, with regard to the points above noticed, and shall question him particularly with respect to any real or personal property which the petitioner may have recently sold, mortgaged, transferred or otherwise disposed of; such examination shall be taken an oath, unless the court should, in any particular instances, judge it proper to admit a solemn declaration in lieu thereof, under the provisions now in force or any other provisions which may be hereafter enacted.

Fourth.—In

Fourth.—In taking the examination of the petitioner or agent in such cases, it shall be the duty of the court to admonish him that any wilful misrepresentation or falsehood, or the fraudulent concealment of any material fact regarding the property in the petitioner's possession, or the recent transfer of such property, will subject him to be tried for perjury, and on conviction, to the punishment which is now or may be hereafter prescribed for that crime by the Regulations. The petitioner or agent shall subscribe his examination, which shall then be authenticated by the court in the usual manner.

Court to admonish the petitioner in taking his examination.

Fifth.—If upon such examination it should appear to the court that the petitioner is possessed of property sufficient to defray the expenses of the suit, or that he has recently sold, mortgaged or otherwise transferred any property with the view of being admitted to sue as a pauper, the court will at once refuse to admit his suit in that form and will refer him to the general rules in force.

Courts, when to reject the prayer of the petition.

Sixth.—If there shall appear any grounds for suspecting that the petitioner is possessed of property, or has recently transferred any property, beyond that which he may have acknowledged or stated in his petition and examination, the court may issue a notice to the adverse party, signifying that if such party shall appear within a reasonable period, to be fixed by the court, he shall be permitted to shew cause why the plaintiff should not be allowed to sue as a pauper; the court may also summon witnesses, or institute a local inquiry, in the neighbourhood of the petitioner's residence, with the view of ascertaining whether the petitioner has recently transferred or is possessed of any property beyond that stated in his examination.

Court how to proceed when they may be desirous of ascertaining the amount of the petitioner's property.

Seventh.—If from the result of such inquiry, or at any subsequent period, it shall be satisfactorily established that the petitioner, or the agent of a female petitioner, has been guilty of wilful perjury in his examination, the court will not only refuse the prayer of the petitioner (or nonsuit the plaintiff if the cause be depending), but will cause the person appearing to have been guilty of perjury, to be committed to the court of circuit to take his trial for such offence.

When the petitioner shall have been guilty of perjury, he shall be committed to the court of circuit.

VI. *First.*—If none of the objections stated in clauses fifth and seventh of the preceding section shall exist, and the petitioner shall not appear to be possessed of sufficient property to enable him to defray the probable expenses of the suit, the court is empowered to admit him to sue as a pauper, on his finding two good and sufficient sureties, both of whom shall be householders, for his appearance, whenever his attendance may be required by the court.

A party admitted to sue as a pauper shall find two sureties for his appearance.

Second.—The suits of pauper plaintiffs, which may be hereafter instituted in the zillah or city courts, shall be tried by the judge or register, and shall not be referred to any of the sudder ameens.

Pauper suits not to be referred to the sudder ameens.

VII. *First.*—When the required sureties shall have been furnished, if the pauper shall be unable to prevail on any of the vakeels of the court to undertake his suit, and he shall be unable to plead the cause in person, the court may require any of the authorized pleaders of the court to undertake and plead the suit, and no security or deposit shall be required from the plaintiff for the fees of such pleader.

The courts are authorized in certain cases to direct one of the pleaders to undertake the suit.

Second.—The courts are to state on the record of the trial, their reasons for every exercise of the power vested in them by this section; and the order of the court in such cases shall be a sufficient warrant to the vakeel to plead in the suit, without filing the usual vakalutnamah.

Reason for exercising that power to be recorded.

VIII. The stamp duty which has been substituted for the institution fee by Section XXV, Regulation XIV, 1815, shall not be required from plaintiffs who may be admitted to sue as paupers under this Regulation. The plaint, reply or other pleadings on the part of the plaintiff, as well as applications on his part for receiving exhibits and summoning witnesses, may be written on unstampt paper. The notice to the defendant, the summons for witnesses, and other processes on the part of the plaintiff, shall be served through the peons on the establishment of the courts, without any expense to the plaintiff; and the copy of the decree, as well as copies of orders or proceedings which he may be required to take, shall be furnished to a pauper plaintiff on unstampt paper.

Stamp duties and other expenses to be remitted to paupers; pleadings on their part, and copy of the decree, to be on unstampt paper.

IX. On

All costs and expenses to which the plaintiff would have been liable had he not been admitted to sue as a pauper, to be inserted in the decree.

IX. On the conclusion of the suit, the court shall calculate the whole of the costs which would have been incurred by the plaintiff, on account of the several stamp duties prescribed by Regulation XIV, 1815, and other legal expenses, had he not been admitted to sue as a pauper, and shall charge the same in the decree, to the party cast, or to the parties respectively, in such proportions as may be deemed equitable.

The fees of the pauper's pleader, when to be paid by the defendant.

X. *First.*—If the pauper plaintiff shall gain his suit, the court will cause the defendant to make good the amount of the fees due to the pleader who may have been employed on account of the plaintiff, or such part of them as the court may decree.

If the claim be dismissed, the defendant is to pay to his own pleader such adequate compensation as the court may direct.

Second.—If the claim of the plaintiff be dismissed with costs, the court is authorized and required to levy from the defendant, such part only of the established fee, for his own pleader, as may appear to be an adequate compensation; leaving the remainder to be recovered from any property that may subsequently be found to belong to the plaintiff.

Pauper plaintiffs, under certain circumstances, liable to a sentence of six months imprisonment.

XI. *First.*—If the plaintiff shall not establish his claim, and the court shall deem the suit to be unfounded, vexatious or wilfully exaggerated, and the plaintiff shall not pay the amount of his own fees, and the fees and costs which may be awarded against him in favour of the opposite party, the court is authorized to commit him to close custody in the civil jail, without labour, for a period not exceeding six months.

Execution of such sentence not to be suspended on account of an appeal being preferred from the decision.
Proviso.

Second.—Such order of confinement shall be carried into immediate execution, and shall not be suspended in consequence of the plaintiff's being desirous of appealing from the judgment; provided however, that the plaintiff shall at any time be entitled to his discharge from such confinement, on his paying into court the full amount of the costs and expenses awarded against him in the decree.

Sureties failing to produce a pauper plaintiff, liable to six months imprisonment.

Third.—If the pauper plaintiff shall abscond, and his sureties shall not produce him before the court, and the order for his imprisonment cannot therefore be carried into effect, the said sureties shall be called upon to make good the full amount of the costs adjudged against the plaintiff. In the event of their refusing or failing to make good the costs, the court is authorized to commit them to close custody, without labour, in the civil jail, for a period not exceeding six months, subject to the provision contained in clause second of this section.

Court to realize the costs due from paupers, notwithstanding their imprisonment or the imprisonment of their sureties.

Fourth.—The confinement of a pauper plaintiff or of his sureties, under this section, shall not preclude the court from realizing the costs and expenses adjudged against a pauper plaintiff; but in all cases in which such plaintiff may fail to make good the costs and expenses to which he may be declared liable in the decree, whether those costs may be due to the defendant or to Government, the court shall endeavour to realize the amount by the sale of any property which may belong to the plaintiff, either at the time of the decree or subsequently thereto.

Persons desirous of appealing as paupers, to present a petition to the superior court.

XII. *First.*—If any party to an original suit may be desirous of appealing in formâ pauperis from the decision passed in such suit, he shall present a petition, in the mode prescribed by Clause first, Section V. of this Regulation, to the court by which his appeal may be regularly cognizable under the Regulations.

With copy of a decree; what the petition is to contain.

Second.—Such petition shall be accompanied by an authenticated copy of the decree, and shall contain a schedule of the whole real or personal property belonging to the petitioner, and the estimated value of such property, together with a statement of the specific grounds on which the petitioner may desire to present an appeal.

Court when to reject the petition.

Third.—If upon a perusal of the petition and the copy of the decree, the original judgment shall not appear to the court to be erroneous or unjust, or if the nature of the cause shall not appear to be of sufficient importance to merit a further investigation in appeal, the court will reject the petition, and will refuse to admit the petitioner to sue in appeal as a pauper. Provided however, that the petitioner shall nevertheless be entitled to institute his appeal, on performing the conditions of appeal prescribed by the Regulations for persons not suing as paupers.

In what cases the court may admit the petitioner to appeal as a pauper.

XIII. If upon the perusal of a petition presented under the preceding section, and of the copy of the decree accompanying it, the court shall be of opinion that there is reason to believe the judgment to be erroneous or unjust, or that the nature

Subject to what rules.

of the cause renders it deserving of a further investigation in appeal, the court is empowered

empowered to admit the appeal, subject to the rules and conditions prescribed in Sections V. and VI. of this Regulation; Sections VII, VIII, IX, X. and XI. shall also be considered applicable to persons who may be admitted to appeal in formâ pauperis.

Pauper plaintiffs, who may have gained their suit, to be admitted to reſpond in appeal as paupers.

XIV. If a decision be passed in any original suit in favour of a pauper plaintiff, and the adverse party shall appeal from such decision, the principles of the rules contained in Sections VII, VIII, IX. and X. shall without any further inquiry be considered applicable to the respondent or original pauper plaintiff in such appealed suit, provided that the execution of the original decree shall have been suspended during the appeal.

Proviſo.

Amount of ſtamp duty paid on appeal, to be returned to the appellant in certain caſes.

And recovered with other coſts from the reſpondent's property.

XV. If a decision in favour of a pauper plaintiff be reversed in appeal, the amount of the stamp duty substituted for the institution fee which may have been paid by the appellant, shall be returned to him by the court, together with such portion of the fee payable to his vakeel as may be deemed reasonable; and the amount of such stamp duty and fee, as well as all other costs and expenses which may be awarded in the decree against the respondent, shall be recovered from any property which the respondent may at any time be found to possess.

Defendants or reſpondents wiſhing to plead as paupers, to preſent a petition to the court.

XVI. *First.*—If a defendant or respondent in any suit, (except in the case provided for by Section XIV.) shall be desirous of being admitted to plead in formâ pauperis, he shall appear either in person or by an authorized agent, before the court in which the suit may be depending, in conformity with the rules prescribed in Clause first of Section V. of this Regulation, and shall present a petition containing an exact schedule of the whole real or personal property belonging to him, and the estimated value of such property.

Court how to proceed.

Second.—The court to whom such petition may be presented, shall then proceed in conformity with Clauses third, fourth, fifth, sixth and seventh of Section V. of this Regulation.

And in what caſes authorized to comply with the prayer of the petition.

Third.—If after the examination and inquiries prescribed in those clauses, the court shall be satisfied that the petitioner is not possessed of sufficient property to defray the probable expenses of the suit, and that he can neither plead the suit in person nor prevail on any of the authorized pleaders of the court to undertake the defence of the suit, the court is empowered to grant to the petitioner the same advantages and facilities in the defence of the suit as are allowed to pauper plaintiffs and appellants under Sections VII, VIII, IX. and X. of this Regulation; and no security, except for personal appearance, shall be required from such defendant or respondent.

And diſpenſe with ſecurities.

This Regulation is not applicable to ſummary ſuits, or to ſuits of paupers inſtituted before the 1ſt March 1816.

XVII. It is hereby declared that the rules contained in this Regulation are intended to apply to regular suits and appeals only, and not to summary suits or summary appeals of any description; neither are they intended to apply to pauper suits which may have been instituted, either originally or in appeal, previously to the 1st of March 1816; such pauper suits and appeals are to be tried and determined in conformity with the rules heretofore in force.

Explanation that miſcellaneous petitions and applications are to be written on the preſcribed ſtampt paper.

Proviſo.

XVIII. The courts of civil and criminal judicature, the collectors and other public officers, are not authorized to receive from persons professing themselves to be paupers, any miscellaneous petitions or applications on any other paper than the prescribed stampt paper; provided however, that the courts of criminal judicature shall be at liberty to receive petitions on unstampt paper, from prisoners who may be confined under examination or sentence in any of the criminal jails.

A. D. 1816. REGULATION II.

A REGULATION for amending part of Regulation II, 1814, intituled, A Regulation for establishing the office of Tullaties or Village Accountants, and defining the duties of the said office, in the British Territories under the Presidency of Bombay:—Passed by the Governor in Council, on the 31st January 1816; corresponding with the 2nd Maha Sood Sumbut or Vikramajet era 1872; Salbahan 1737; and the 30th of Suffer 1231 of the Hejree.

Preamble.

WHEREAS in consequence of the revenue survey of the pergunnah of Broach, the duties imposed on the tullaties have been simplified and diminished in a considerable degree, and superseded the necessity of granting remuneration to persons holding those situations upon a scale so extensive as that established by Section XIII, Regulation II, 1814; and whereas the same advantages in this respect may be expected to result from the completion of the surveys of the pergunnahs dependent on the zillahs of Surat Kaira and Salsette, the following enactment has been passed.

Sections XII. XIII. and XIV, Regulation II, 1814, rescinded.

II. Sections XII, XIII. and XIV. of Regulation II, 1814, are rescinded.

Tullaties salary to be fixed by Government on certain principles.

III. On the appointment of tullaties to the charge of villages, their salaries will be fixed on by the Governor in Council, on a consideration of the state of the several villages, and on the qualifications and characters of the persons to whom the charge of such villages may be confided.

A. D. 1816. REGULATION III.

A REGULATION to explain and modify the existing rules respecting the Records of Proceedings to be kept by the several Courts of Judicature:—Passed by the Right honourable the Governor in Council, on the 10th April 1816; corresponding with the 13th Chytur Sood Sumbut of Vikramajet era 1872; Salbahan 1738; and the 11th Jumadyeolavul 1231 of the Hijree.

Preamble.

WHEREAS doubts have been entertained as to the construction of Regulation VI, A. D. 1802; and whereas it has been found to be inconvenient for the purpose of reference, to use the form of a roll for recording the proceedings of civil courts, the following rules have been established, to have effect from the date of the promulgation of this Regulation.

Records in use anterior to 1802, to be kept.

II. *First.*—It is hereby declared that Regulation VI, 1802, is not to be understood as having superseded the use of the records, required, by the Regulations of 1799 and 1800, to be kept of the proceedings of the courts of civil judicature.

In the form to be prescribed by the Sudder Adawlut.

Second.—The records in question shall hereafter be kept in the form and manner which may be prescribed to the several courts by the Sudder Adawlut, under the authority vested in that court by Section III, Regulation XI, 1812.

Record dispensed with.

III. *First.*—The record prescribed by Section X, Regulation VI, A. D. 1802, to be written upon a roll of strong paper, is dispensed with.

Register what to contain.

Second.—The register specified in Section IV, shall contain a copy of every original paper enumerated in Section X. of the same Regulation.

Book of daily proceedings by whom to be kept.

Third.—The book of daily proceedings enjoined by Section IX. shall be kept by the sheristadar, and shall contain, in addition to all therein specified, a faithful translation, into the language of the record, of every deposition or exhibit which may have been filed in any other language.

A. D. 1816. REGULATION IV.

A REGULATION for the manufacture and sale of Spirituous Liquors and Toddy, in the several Collectorships under the Presidency of Bombay:—Passed by the Right honourable the Governor in Council, on the 17th of April 1816; corresponding with the 6th Chyter Vud Sumbut or Vekramajet era 1872; Salbahan 1738; and the 18th Jumadyool Avul 1231 of the Hejree.

Preamble.

WHEREAS it has been deemed advisable, with a view to the more effectual prevention of the unauthorized manufacture and sale of spirituous liquors distilled according to the country process, that distilleries should be established under the immediate control of the collectors of the land revenue, or other officers invested with the charge of the abkaury mehaul; and whereas it is necessary to provide for the collection of the established duties on the importation and sale of Batavia, Columbo, and other arrack or foreign spirits, as well as toddy; the following rules have been passed, to be in force from the date of its promulgation.

Ground to be inclosed in the chief towns or cities of each collectorship, to be denominated the sudder distilleries of the district.

II. *First.*—One or more spots of ground shall be inclosed in the chief towns or cities of each collectorship, either by a wall or other fence, according as the Right honourable the Governor in Council may direct, to be denominated the suddur distilleries of the district.

Distance within which no stills may be constructed.

Second.—No stills shall be constructed, kept or worked within four coss of any of the distilleries above described, or of the boundary of the city or town in or near which they may be established, except within the circumference of the said distilleries or inclosures; and no person shall be permitted to introduce, within those limits, spirits manufactured at any other place.

The rate of duty to be levied on spirits manufactured at the distilleries.

Third.—The rate of duty per surat maund weighing 1480 surat rupees, to be levied on the spirits manufactured in the sudder distilleries, shall be annually fixed by the collectors, with the approbation of the Right honourable the Governor in Council.

By whom the duty shall be paid.

Fourth.—The duty that may be established, shall be paid by the vender or other person by whom the spirits may be removed from the distillery.

No liquor to be removed from the distilleries, but under a pass from the collectors.

Fifth.—No liquor shall be allowed to be removed from the said distilleries but under a pass from the collectors.

Designation of the person under whom the sudder distilleries shall be placed, and what accounts he is to keep.

III. Each sudder distillery shall be placed under the immediate charge of a native superintendent, to be denominated darogha of the sudder distillery, who shall keep an account of the quantity and strength of all spirits manufactured in the distillery of which he is darogha, and shall be responsible to the collectors that no liquor is removed from the said distillery without a regular pass.

The collectors to adjust with the venders the quantity of spirits which they may respectively receive each day from the distilleries, and the duty on the quantity so fixed.

IV. On granting licenses, agreeably to form (No. 1.) annexed to this Regulation, for the sale of spirits manufactured in the sudder distilleries, the collectors shall adjust with the venders the quantity which they shall respectively receive each day from the distilleries, and the duty on the quantity so fixed, according to the rate previously approved of by the Governor in Council, under Clause third, Section II. of the present Regulations; and monthly passes shall be issued to the venders accordingly.

What kind of pass to be granted to each licensed vender every month.

V. A pass, prepared agreeably to the form (No. 2.) annexed to this Regulation, shall be granted every month to each licensed vender, specifying the name of the vender, the number and situation of his shops, and the quantity of spirits to be passed daily; and the daroghas of the distilleries shall certify daily, on the back of each pass, the quantity of spirits issued from the distilleries, and likewise the hour at which the liquor may have been removed.

Extra passes to be granted for any additional quantity of spirits obtained from a sudder distillery.

VI. Persons licensed to retail spirits being the produce of the sudder distilleries, who may be desirous of obtaining from such distilleries a quantity of spirits exceeding the number of maunds specified in their monthly passes, shall, upon the payment of the established rate of duty on such additional quantity, be furnished by the collectors with an extra pass, to be prepared agreeably to the form (No. 3.) annexed to this Regulation.

VII. It

No ſpirits to be removed from any ſudder diſtillery, the ſtrength of which may exceed 25 per cent. below London proof.

VII. It is to be clearly understood that no spirits shall be removed from any sudder distillery, the strength of which may exceed twenty-five per cent. below London proof. If the process observed in the manufacture shall produce spirits exceeding that standard, they shall be reduced to that strength previously to their removal from the distillery.

Mowra to be admitted into the cities and towns where ſudder diſtilleries are eſtabliſhed, and lodged in warehouſes.

VIII. Raw mowra shall be admitted into the towns and cities where sudder distilleries may be established, under a pass from the collectors, and lodged in warehouses, one key of which is to be kept by the collectors, and another by the owners of the mowra, and none of it shall be removed without a pass from the collectors.

Batavia, Columbo, and other arrack or foreign ſpirits, to pay an import duty, but nothing to be charged on their being re-exported.

IX. All Batavia, Columbo, and other arrack or foreign spirits introduced into each collectorship, shall pay such import duty per gallon as may be annually determined on by the collectors, with the approbation of the Governor in Council; such spirits on re-exportation shall not be subject to any additional duty.

Toddy imported into the chief towns or cities of each diſtrict, or ſold within four koſs thereof, to pay a tax to Government.

X. Toddy imported into the chief cities or towns of each district, or sold within four koss thereof, whether in a fermented or unfermented state, shall pay such tax to Government as may be determined on by the collectors, under the sanction of the Governor in Council.

Penalties on perſons who may be diſcovered in any attempts to evade the rates preſcribed by this Regulation.

XI. All persons who may be discovered in any attempts to evade the rules prescribed by this Regulation, either by the establishment of stills within the prohibited limits, by the introduction of spirits manufactured at other places, or by attempts to convey spirits from the distilleries without a proper pass, or by importing or selling mowra or arrack without permission, shall on conviction be subject to the penalties hereinafter prescribed by Section XX. of this Regulation.

A regiſter of paſſes to be kept by the collectors, and venders to return their paſſes when no longer in force.

XII. A register of all passes which may be issued shall be kept by the collectors, and the passes shall be returned by the venders at the expiration of the period for which they have been granted, and when they are no longer in force.

Collectors to iſſue inſtructions for the internal control of the diſtilleries.

XIII. It shall be the duty of collectors to issue such instructions as they may deem best calculated for the internal control of the distilleries, especially with the view of preventing the admixture of noxious drugs with the spirits, of encouraging the introduction of an improved method of distillation and the use of the best materials, and of preventing the illicit removal of spirits.

Rules to be obſerved reſpecting the manufacture and ſale of ſpirituous liquors at places ſituated more than four koſs from the ſudder diſtilleries.

XIV. *First.*—The following rules shall be observed with respect to the manufacture and sale of spirituous liquors, at places situated more than four coss from the sudder distilleries, or distilleries established on that principle in the interior of the different zillahs.

The rate of duty how to be fixed, and when.

Second.—The rate of duty shall be annually fixed by the collectors, with the sanction of Government, in the several pergunnahs or other known divisions of the different districts.

The collectors to cauſe the higheſt rates of duty to be fixed.

Third.—It shall be the duty of collectors to cause the highest rates of duty to be fixed, which can be introduced without giving rise to the illicit manufacture and sale of spirits.

Applications for licenſes ſhall ſpecify whether the manufacture and ſale are to be conducted at one and the ſame place, or at different places.

Fourth.—Persons proposing to take out licenses under this Regulation, shall uniformly specify in their applications for such licenses, whether it is intended that the manufacture and sale should be conducted at one and the same place, or at different places, and licenses shall be granted in conformity to the forms (Nos. 4. and 5.) annexed to this Regulation accordingly.

A caboolyet to be executed by perſons obtaining licenses.

Fifth.—A caboolyet shall be executed by persons obtaining licenses for the manufacture and sale of spirituous liquors under this section, in strict conformity to the tenor of such licenses.

And the duty to be levied every ten or twenty days, or at the cloſe of each month.

Sixth.—The rate of duty having been fixed under clause second, and the licenses and caboolyets having been interchanged between the collectors and the distillers, the duty shall be levied at the expiration of every ten or twenty days, or at the close of each month, as may appear to the collector most convenient.

Separate licenſes to be taken out by the diſtiller when he may be deſirous of keep-

Seventh.—Any license which may be issued under these rules, shall only be considered to authorize the establishment of one still. If the distiller shall be desirous

desirous of keeping and working more than one still, he shall take out a separate license or licenses conformably to the number of stills, and shall pay increased duty accordingly.

ing or working more than one ſtill, and to pay the increaſed duty accordingly.

Eighth.—It will be the duty of the collectors to adopt the necessary means to prevent the introduction of spirits manufactured under this section, into any place situated within four coss of the sudder distilleries, or of the city or town at or near which they may be established, or of any distillery established on that principle in the interior of any of the districts.

The collectors to prevent the introduction of ſpirits manufactured under this ſection into any place ſituated within four coſs of the ſudder diſtilleries.

XV. *First.*—For the more convenient collection of the duties on spirituous liquors in places situated beyond the limits to which the operation of the sudder distilleries is to extend, officers shall be appointed by the collectors, to be denominated abkarry daroghas, for the collection of the said duties in all such places.

The collectors to appoint officers for the collection of the duties on ſpirituous liquors, in places ſituated beyond the limits to which the operation of the ſudder diſtilleries is to extend, who are to be denominated abkarry daroghas.

Second.—The local limits of the authority of the abkarry daroghas respectively shall be settled by the collectors, who will recommend to Government what allowances those officers should receive.

The local limits of the abkarry daroghas to be ſettled by the collectors, who will recommend the allowances which they ſhould receive.

Third.—The office of abkarry darogha may either be united with that of tehsildar, in districts in which the latter office exists, or may be vested in separate persons, according as the collectors may deem most advisable.

The office of abkarry darogha may be united with that of tehſildar, or may be veſted in ſeparate perſons, as the collectors may deem adviſable.

Fourth.—It shall be competent for persons holding the office of abkarry darogha, to apprehend and send to the collectors, any individual having an unlicensed still in his possession, or engaged in the illicit sale of spirituous liquors or toddy.

The abkarry darogah competent to apprehend and ſend to the collectors, any perſons having an unlicenſed ſtill, or engaged in the illicit ſale of ſpirituous liquors.

Fifth.—In the cases mentioned in the preceding clause, the collectors shall regularly proceed in the manner hereafter prescribed in Section XX. of the present Regulation with regard to other illicit dealers.

And the collectors how to proceed againſt illicit dealers.

XVI. *First.*—In cases in which it may be deemed advisable, the collectors are hereby authorized to let the duties leviable on the manufacture and sale of spirituous liquors or toddy, in any pergunnah or other known division of a district, to farm for a period not exceeding one year.

The collectors may let the duties leviable on the manufacture and ſale of ſpirituous liquors, in any pergunnah or known diviſion of a diſtrict, to farm for a period not exceeding one year.

Second.—In cases in which an arrangement of this nature may be judged advisable by the collectors, an advertisement shall be issued signifying that proposals will be received for a certain time for the farm of the duties leviable on the manufacture and sale of spirituous liquors; and the highest offers, provided they be accompanied with good and substantial security, shall be accepted.

In caſes in which it may be judged adviſable, the collectors may iſſue an advertiſement inviting propoſals for the farm of the duties leviable on the manufacture and ſale of ſpirituous liquors, and the higheſt offers to be accepted.

Third.—Whenever the duties on spirits or toddy may be let to farm in any pergunnah or other known division of a district, under the foregoing clauses, it shall be competent to the farmer to make his own arrangements with the manufacturers and venders within the limits of his farm, and no persons excepting those who may be regularly authorized by the farmer shall manufacture or sell spirits within those limits, on pain of incurring the penalties established by Section XVIII. of the present Regulation.

The farmer of the duties to make his own arrangements with the manufacturers and venders within the limits of his farm, and no other perſons authoriżed to manufacture and ſell ſpirits within thoſe limits.

Fourth.—Nothing contained however in the preceding clauses of this section, shall be construed to authorize the collectors to let the duties on spirits to farm at any place included within the limits prescribed for the sudder distilleries.

Reſtriction.

Fifth.—Collectors are required to be careful that no arrangement of this sort be adopted, except in remote pergunnahs or other places where the manufacture and sale are not liable to interfere with the revenue derived from stills specially licensed.

No arrangement of the above deſcription to be adopted, except in remote pergunnahs.

XVII. A general prohibition being established by the present Regulation against the unlicensed manufacture and sale of spirituous liquors and toddy, any person who may be convicted (in the manner hereinafter described) of such illicit manufacture or sale shall be liable to the payment of a fine not exceeding rupees five hundred, or in the event of the fine not being duly discharged, to imprisonment in

Perſons who may be convicted of the illicit manufacture and ſale of ſpirituous liquors and toddy, liable to fine or impriſonment.

the dewanny jail of the district in which such conviction may take place, for a period not exceeding six months.

Inveſtigations reſpecting the illicit manufacture or ſale of ſpirituous liquors and toddy, to be conducted by the collectors of the land revenue.

XVIII. *First.*—All investigations which it may be necessary to institute respecting the illicit manufacture or sale of spirituous liquors and toddy, shall be conducted by the collectors of the land revenue or other public officers entrusted with the charge of the abkarry mehaul.

Collectors how to proceed againſt perſons infringing the prohibition, noticed in the preceding ſection.

Second.—Whenever any charge may be preferred or information lodged against any person for the infringement of the prohibition noticed in the preceding section, or whenever any reasonable ground of suspicion shall incidentally appear against any such person from proceedings which may be holden by the collectors in any other case, it shall be competent for the collectors or other officers entrusted with the charge of the abkarry mehaul, to cause the person charged with or suspected of the said offence to be apprehended, in order that a regular inquiry may be made into the merits of the case.

Inveſtigations to be commenced on the arrival of the parties, and proſecuted with the leaſt poſſible delay.

Third.—Investigations under this section shall be commenced immediately on the arrival of the party accused or suspected at the cutcherry of the collectors, and shall be prosecuted with the least possible delay.

How fines ſhall be levied from perſons convicted before a collector.

Fourth.—Any person convicted before the collector of the offence of importing mowra or arrack, or manufacturing or selling any of the articles specified in clause first of this section, shall be adjudged by the collector to pay such fine as on due consideration of the circumstances of the case may be deemed proper, not exceeding the sum specified in Section XVII, or in default of payment, to be confined for a period not exceeding the term specified in the same rule.

He ſhall then be ſent to the judge of the city or zillah who will give the neceſſary directions for the execution of the orders.

Fifth.—Whenever any person may be adjudged to pay a fine or to be imprisoned for the illicit sale and manufacture of spirituous liquors, under these rules, he shall be immediately sent with a certificate to the judge of the city or zillah, stating the purport of the order passed against the person in question, and the judge shall on those grounds give the necessary directions for the execution of the order accordingly.

Rules to be obſerved in regard to perſons who may not have been convicted of the charges imputed to them.

Sixth.—Persons who after the investigation prescribed by these rules, shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released, and the expense to which they have been actually subject on account of the inquiry shall be paid to them by the collector on the part of Government. Should it further appear on investigation that the inquiry originated in malice, or in motives clearly vexatious and unwarranted on the side of the informant, it shall be competent for the collector to order such informant to pay to the party aggrieved such moderate fine, not exceeding however in any case twenty rupees, as may appear reasonable, or to be confined for a period not exceeding fifteen days. Orders passed under this rule shall be enforced in the same manner as fines imposed for the illicit manufacture and vend of prohibited articles under clause fifth of this section.

How perſons may proceed to complain who deem themſelves aggrieved by the inveſtigation or judgment of the collectors.

Seventh.—Persons deeming themselves aggrieved by any investigation instituted under this Regulation, or by the judgment passed by the collector, or in any other respect, shall be at liberty to prefer their complaint to Government either through the medium of the collectors themselves or by means of vakeels; and Government, after calling for such information as they may require from the collectors, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to them most conformable to the principles of substantial justice.

Perſons through whoſe means the illicit manufacture and ſale may be detected, ſhall be entitled to a moiety of the fine.

Eighth.—A moiety of any fines which may be levied under the provisions contained in this section, shall be paid to the person or persons through whose means the illicit manufacture or sale may have been detected.

In caſes in which a fine cannot be levied, the informant will be paid a reward of ten rupees.

Ninth.—In cases in which it may be necessary to imprison the offender, and in which a fine cannot or may not be levied from him, a reward of ten rupees shall be paid on the part of Government to the informant or informants in lieu of his or their share of the above mentioned fine.

XIX. With

Collectors deemed competent to iſſue ſearch-warrants.

XIX. With the view of restraining the illicit manufacture and sale of spirituous liquors, the collectors or other persons invested for the time being with the charge of the abkarry mehaul, shall be deemed competent in the cases hereinafter described to issue search warrants for the discovery of unlicensed stills or the produce of such stills.

In what caſes ſearch warrants are to be iſſued.

XX. *First.*—Search warrants of the description of those mentioned in the preceding section shall not be issued unless the collectors shall have strong grounds to believe, either from charges specifically preferred, or from their own personal knowledge, or from information incidentally obtained from the proceedings holden in any other case, that spirituous liquors are illicitly manufactured, sold or deposited on the premises proposed to be searched.

Search warrants to be executed in the day time.

Second.—Search warrants shall only be executed in the day time, that is, between sun-rise and sun-set, and if possible in the presence of two or more respectable inhabitants of the place in which the house or place proposed to be searched may be situated.

To whom the ſearch warrants are to be addreſſed.

Third.—All search warrants which may be issued under this section, shall be addressed to the abkarry darogha or other officer on the fixed establishment of the collector.

The magiſtrates and other officers of police to ſupport the officers of the collectors.

Fourth.—It shall be the duty of the magistrates, daroghas of police, and other officers of that department, to support the officers of the collectors in the discharge of the duty which may be delegated to them under this section; provided however, that nothing contained in these rules shall be construed to authorize the officers of the collectors to enter the zenana or apartments of the women in houses belonging to persons of respectability and credit, that is, of all those classes whose women do not ordinarily appear in public.

The officers of the collectors prohibited from entering the zenana or apartments of the women.

Penalties on perſons who may be detected in the manufacture of, or in ſelling or concealing ſpirits.

Fifth.—Persons who may be detected, by the means above described, in the illicit manufacture of spirits, or in selling or concealing spirits so manufactured, shall be liable to the penalties established by Section XVIII. of the present Regulation, and on judgment being formally passed by the collectors, it shall be enforced in the mode prescribed in clause fifth of that section.

Rules reſpecting the ſale of ſpirits in cantonments.

XXI. *First.*—No spirituous liquors shall be manufactured or sold within the limits of any military station or cantonment but under licenses from the collectors, nor shall any such licenses be granted by the collectors but with the knowledge and concurrence of the commanding officers.

The diſtillers and venders in cantonments to be preciſely on the ſame footing as the diſtillers and venders at other places.

Second.—Whenever licenses may be granted under the preceding clause, for the manufacture or sale of spirituous liquors in any of the cantonments, the distillers and venders shall be considered to be precisely on the same footing, with respect to the duty payable by them, and all other questions connected with the manufacture and sale, as distillers and venders established in other places.

How a ſtill or ſhop in a cantonment may be ſuppreſſed.

Third.—Should the commanding officer of any military station or cantonment, be of opinion that any practical inconvenience is experienced from any stills or shops which may have been established in the said station or cantonment, he shall communicate his sentiments on the subject to the collector, who shall immediately order such stills or shops to be suppressed.

How a ſtill or ſhop in the vicinity of a cantonment may be ſuppreſſed.

Fourth.—Should a commanding officer of a cantonment or military station be of opinion that any inconvenience is experienced from any stills or shops established in the vicinity of the said cantonment, he shall state his sentiments to the collector, who shall either order the still or shop in question to be suppressed, or refer the case to the Governor in Council, who will order the shop to be suppressed or otherwise, or to be removed to a greater distance from the cantonment, as may appear, on consideration of all the circumstances of the case, to be proper.

Commanding officers of cantonments to be careful that no obſtructions be given by the people ſubject to their command, to the officers of the collectors.

Collectors may apply for aſſiſtance to the commanding officers.

Fifth.—The collectors being authorized, under Sections XVIII. and XIX. of the present Regulation, to apprehend persons charged with the illicit sale and manufacture of spirituous liquors, and to issue search warrants with a view to the prevention of illicit manufacture and vend, it shall be the duty of the commanding officers of military stations or cantonments to be careful that no obstruction be given by the people subject to their command, to the officers of the collectors in the discharge of the said duties; provided however, that the collectors shall apply to the commanding officers for their assistance in all cases in which no public inconvenience is likely to arise

arise from that measure, and shall uniformly report to them the result of the search.

Two reſponſible ſecurities to be given by manufacturers or venders of ſpirits. Or a depoſit made in lieu of the ſecurities.

XXII. Persons desirous of taking out licenses for the manufacture or sale of spirituous liquors and toddy, shall give the security of two responsible persons for the due performance of their engagements; provided, however, that if any such manufacturer or vender shall make a deposit in cash equal to the amount of the duty payable by him for one month, such deposit shall be received in lieu of the security to be otherwise required.

For what period the licenſes to be iſſued.

XXIII. Licenses for the manufacutre and sale of the articles specified in the preceding section, shall be issued for one year only, or supposing them not to be taken out at the commencement of the year, for the remainder of the official year, so that the whole of the licenses in the different districts may cease and determine together.

In what caſe licenſes may be cancelled.

Poſtponing the annulment of licenſes.

XXIV. Licenses taken out for the manufacture and sale of spirituous liquors or toddy, shall be liable to be cancelled, at the discretion of the collector or other officer invested with the charge of the abkarry mehaul, in case such manufacturer or distiller shall in any case fail to pay the duty for which he had engaged, during a period of fifteen days; provided, however, that if the collector or other officer shall have grounds to believe that such failure has arisen from unforeseen circumstances, and not in any design to defraud the public revenue, it shall be competent for him to postpone the annulment of the license during a period of fifteen days more.

Licenſed manufacturers and venders at liberty to ſurrender their licenſes on giving one month's previous notice to the collector, and paying a certain amount.

XXV. Persons licensed to manufacture or vend spirituous liquors, intoxicating drugs and toddy, shall be at liberty to surrender their licenses, on giving one month's previous notice to the collector, and paying a sum equal to the tax for that period, over and above the amount payable by them in the ordinary course and under the engagements contracted by them with the collector.

Proprietors of land and others how to be proſecuted for conniving at the eſtabliſhment of ſhops for the illicit manufacture and vend of ſpirituous liquors.

XXVI. There being reason to believe that proprietors farmers and managers of land, both paying revenue to Government and held free of assessment, frequently authorize or connive at the establishment of shops for the illicit manufacture and vend of spirituous liquors; it is hereby enacted, with a view to the suppression of all such illegal and unwarrantable practices, that on all occasions of such nature, it shall be the duty of the collector of the abkarry duties to institute suits, with the sanction of Government but not otherwise, against persons so offending; and if it shall be proved to the satisfaction of the court before which any such suit may be instituted, that any propietor, farmer, tehsildar, gomashta or other manager of land, shall have authorized or connived at the establishment of a shop for the manufacture or sale of spirituous liquors or toddy, whether in a dry state or infused in water or other fluid, the said court shall adjudge the offender to pay such a fine to Government as it may deem proportioned to the offence; due consideration being had to the situation in life, and to the pecuniary circumstances of the said offender.

The abkarry revenue to be entruſted to the collectors of the land revenue, who ſhall be entitled to a commiſſion. Power reſerved to the Governor in Council to appoint any other perſons to take charge of the abkarry collections.

XXVII. The collectors of the land revenue shall in ordinary cases be entrusted with the management of the abkarry revenue, and shall be entitled to a commission of five per cent. on the net amount realized by them.—The Governor in Council however reserves to himself the power of nominating any other public officer, or deputing specially any other covenanted servant of the honourable Company, to take charge of the abkarry collections, in any district in which that measure may appear to him to be necessary; and officers who may be so nominated or deputed, shall be entitled to exercise all the powers, and to enjoy the emoluments granted to collectors of the land revenue by this Regulation.

In what caſes the magiſtrates are to take cognizance of offences committed by perſons to whom the preſent Regulation refers.

XXVII. Under the foregoing provisions, the power hitherto vested in the zillah and city magistrates to suppress shops established for the sale of spirituous liquors, are rescinded.—It is, however, of course to be understood, that the magistrates will be still competent to take cognizance of any disorderly conduct, breach of the peace, or other public crime or misdemeanor committed by any of the persons to whom this Regulation refers.—In all cases of that nature, the magistrates are to be guided by the general rules which have been or may be established for the apprehension and punishment of public offenders.

No. 1.

FORM of License to be granted to venders established at places situated within the limits prescribed for sudder distilleries.

License No. for the sale of spirits at during the year A. D.

I, *A. B.* collector of do hereby, under the following conditions, authorize *C. D.* to open a shop for the retail of spirits at

1st. All spirits sold at the said shop, shall be manufactured within the sudder distilleries at

2nd. The said *C. D.* shall pay to Government a daily tax of and shall be entitled to pass from the sudder distillery maunds of spirits per diem during the year A. D.

3d. The said *C. D.* shall be entitled to pass from the sudder distillery such further quantities of spirits as he may require for consumption in his shop, upon payment of a duty of per maund.

4th. A regular pass shall be granted by the collector on the first day of every month, to the said *C. D.*, to enable him to pass the prescribed quantity of spirits from the distillery.

5th. Extra passes shall be granted to *C. D.* on application, the duty being previously paid.

6th. Any attempts to vend spirits manufactured at any other place than the sudder distillery above described, or to remove spirits from the sudder distillery without a pass or without payment of the established duty, shall subject the said *C. D.* to the forfeiture of this license, and to the penalties prescribed by Regulation to be inflicted on unlicensed venders.

Given under my hand and seal this day of 181

Registered No. of

A. B. Collector.

No. 2.

Nahan Poora Shop } Nowrozjee Byramjee.

Pass maunds of spirits per diem from the 1st to 31st of 181

A. B. Collector.

Shop No. (L. S.) Pass No.

To be signed by the head officer of the abkarry mehaul: on the back of this pass, the darogha of the sudder distillery shall each day attest the issue of the quantity of spirits specified, and the hour at which it is removed.

No. 3.

EXTRA PASS.

No.

Nahan Poora Shop } Nowrozjee Byramjee.

No.

Received surat rupees

Pass maunds of spirits this day, the of 181

A. B. Collector.

(L. S.)

To be signed or sealed by the head officer of the abkarry department.

No. 4.

FORM of License to be granted to persons authorized to manufacture and sell spirits, at one and the same place, beyond the boundaries prescribed for the sudder distilleries.

License No. for the manufacture and sale of spirits at during the year A. D.

Whereas by the authority of the Governor in Council of Bombay, I *A. B.* collector of authorize *C. D.* to work a still for the manufacture of spirituous liquors at pergunnah during the year A. D.; it is required of the said *C. D.*, as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles.

1st. That he pay to Government a daily tax of surat rupees.

2nd. That he use only one still, and that such still shall not contain more than one hundred and ninety two seers, of thirty-seven surat rupees weight each.

3rd. That he confine the vend of the produce of his still to one shop.

4th. That he shall not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop on any pretence whatever.

5th. That he shall not harbour robbers, thieves or riotous persons, but on the contrary give information to the nearest magistate or police officer of any suspected persons who may resort to his shop.

6th. That he shall not receive any goods or wearing apparel or property, in barter for liquor.

7th. That he shall not open his shop before sun-rise nor keep it open after sun-set, and that he shall not harbour any persons in it during the night.

8th. That he shall have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country, to the following effect.

" Licensed Vender of Spirits."

Upon a breach of the above conditions this license shall be held to be forfeited.—All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said *C. D.* on account of the said still during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession while he conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal this day of 181

Registered No. of

A. B. Collector.

No. 5.

FORM of License to be granted to persons authorized to manufacture spirits at one place, and to retail at another, both places being situated beyond the boundaries prescribed for the sudder distilleries

License No. for the manufacture of spirits at during the year A. D. and for the retail at for the same period.

Whereas by the authority of the Governor in Council of Bombay, I *A. B.* collector of authorize *C. D.* to work a still for the manufacture of spirituous liquors at pergunnah and to establish a shop for retailing the produce thereof at for the year A. D.; it is required of the said *C. D.*, as a condition of his license remaining in force, that he duly and faithfully perform and abide by the following articles.

1st. That he pay to Government a daily tax of surat rupees.

2nd. That he use only one still, to be worked at and that such still shall not contain more than one hundred and ninety-two seers, of thirty-seven surat rupees weight each.

3rd. That he confine the vend of the produce of his still to one shop in the town or village of the particular situation of which will be prescribed to him; and that he shall not permit any spirits which may be manufactured by him, to be sold or disposed of at any other place, without an express license for that purpose.

4th. That he shall not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop under any pretence whatever.

5th. That he shall not harbour robbers, thieves or riotous persons, but on the contrary give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.

6th. That he shall not receive any goods or wearing apparel or property, in barter for liquor.

7th. That he shall not open his shop before sun-rise nor keep it open after sun-set, and that he shall not harbour any persons in it during the night.

8th. That he shall have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country, to the following effect.

"Licensed Vender of Spirits."

Upon any breach of the above conditions this license shall be held to be forfeited. —All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said *C. D.* on account of the said still during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession while he conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal this day of 181

Registered No. of

A. B. Collector.

No. 6.

FORM of License to be granted to persons authorized to vend Toddy.

License No. for the sale of Toddy at during the year A. D.

Whereas by the authority of the Governor in Council of Bombay, I *A. B.* collector of authorize *C. D.* to open a shop for the sale of toddy in the city (town or village) of in for the year A. D.; it is required of him, as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles.

1st. That he pay to Government a daily tax of surat rupees.

2nd. That he confine his sale of toddy to the shop for which his license is granted, and on no account sell any toddy without the limits of the above city (town or village), or establish a second shop within such limits without taking out another license for the same.

3rd. That he prevent gaming and disorder within his shop.

4th. That he do not harbour thieves or riotous persons, but on the contrary give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.

5th. That

5th. That he do not receive any goods or wearing apparel or other property, in barter for toddy.

6th. That he do not open his shop before sun-rise nor keep it open after sun-set, and that he do not harbour any persons in it during the night.

7th. That he will have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription to the following effect, in the current language of the country.

" Licensed Vender of Toddy."

Upon any breach of the above conditions this license shall be considered forfeited. —All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said *C. D.* on account of the said shop during the aforesaid period, beyond the tax required to be levied by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession while he conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal this day of 181

Registered
No. of

A. B. Collector.

A. D. 1816. REGULATION V.

A REGULATION for preventing the exportation by sea of Saltpetre, from any of the Ports subject to the Presidency of Bombay, on Vessels not being the property of British Subjects; and for prohibiting the importation of that article from the interior into any of the foreign Settlements situated within the limits of the said Presidency:—Passed by the Right honourable the Governor in Council, on the 6th June 1816; corresponding with the 11th of Jest Sood Sumbut or Vikramajet era 1872; Salbahan 1738; and the 9th of Rujub 1231 of the Hijeree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the promotion of the commercial intercourse between India and Great Britain, and to the general interests of the British nation, to prohibit the exportation of saltpetre from the ports subject to the Presidency of Bombay, otherwise than on vessels belonging to British subjects, and likewise to prohibit the importation of the said articles into any of the ports, settlements, factories or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories of the said Presidency; the following rules have been enacted, to be in force throughout the territories immediately subject to the Presidency of Bombay, from the date of the promulgation of this Regulation.

Saltpetre not to be exported on any other than veſſels belonging to Britiſh ſubjects.

II. The exportation by sea of saltpetre, from any of the ports subject to the Presidency of Bombay, except on vessels belonging to British subjects, is hereby prohibited.

The importation of it from the interior into any foreign ſettlements prohibited. Exception.

III. The importation of saltpetre from the interior into any of the settlements, ports, factories or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories dependent on the Presidency of Bombay, except in the cases provided for in Section VIII. of this Regulation, is hereby strictly prohibited.

On breach of the foregoing rules, the ſaltpetre liable to ſeizure and confiſcation.

IV. All saltpetre attempted to be exported by sea, from any of the ports subject to the Presidency of Bombay, otherwise than on vessels belonging to British subjects, shall be liable to seizure and confiscation; and all saltpetre attempted to be imported into any of the foreign settlements referred to in the above section, shall be liable to seizure and confiscation, together with all boats, carriages and cattle on which it may be laden.

Duty of the cuſtom officers to enforce the prohibition.

V. The officers of customs are hereby required to use their utmost endeavours to enforce the above prohibition; for which purpose they are hereby authorized and enjoined to detain all saltpetre which they may discover in the act of being shipped on

on board any foreign vessel lying in any of the ports subject to the Presidency of Bombay, or of being taken within the limits of the said foreign settlements, in opposition to the provisions of this Regulation. It shall be the duty of the officers of the police, on due application being made to them for that purpose, to give every requisite aid and support to the officers in the department of customs, in carrying this provision into effect.

VI. Saltpetre detained under the rule contained in the above section shall, within twenty-four hours of its seizure, be delivered to the nearest collector of Government customs. Saltpetre where to be delivered on seizure.

VII. The rules contained in Regulation VI, 1814, shall be applicable to all saltpetre detained on the ground of its being liable to confiscation under the provisons of this Regulation. Regulation VI, 1814, applicable to saltpetre under seizure.

VIII. Individuals residing within the limits of any foreign settlements shall be allowed to take within the same, such quantity, not exceeding one maund, as the custom master shall be satisfied is necessary for their private consumption or for retail sale. In all such cases, application shall be made to the said collector of Government customs, who will, at his discretion, grant a pass, specifying the name of the person in whose favour it is granted, and the quantity of saltpetre to be taken, and certifying that the same is for private use or retail sale. No pass so granted shall be in force for more than twelve hours. What quantity allowed to be taken by individuals residing within foreign settlements.

A. D. 1816. REGULATION VI.

A REGULATION for defining the date from which the Thakore of Bhownaghur, as a landholder within the Honourable Company's Pergunnah of Gogo, Dhundooka and Ranpoor, shall be amenable to the jurisdiction of the courts established for the administration of justice:—Passed by the Right honourable the Governor in Council, on the 17th of July 1816; corresponding with the 8th of Assad Vud Sumbut or Vikramajet era 1872; Salbahan 1738; and 21st of Shaban 1231 Hejree.

BY Clause II, Section VI, Regulation III. of 1814. a period of sixty years is fixed as the utmost limit for the cognizance of claims to lands by the established courts of justice. The Thakore of Bhownagur, however, having from the laxity of power on the part of the former rulers of the country, for years exercised acts of sovereignty within the pergunnah of Gogo, and the talooks of Bolaud and Palnam, the districts of Runpoor and Dhundooka, and even since their cession to the honourable Company; and it being considered, under such circumstances, to be impolitic and unjust to revive and scrutinize into those acts of supremacy which were done under a toleration of the assumption of such powers, antecedent to the cession under the treaty of Bassein, the following enactment has been passed. Preamble.

II. The provisions contained in Clause II, Section VI, Regulation III, 1814, shall not have operation in respect to the Thakore of Bhownagur, for any period beyond the 31st of December 1802, the date of the treaty of Bassein. Date from which certain provisions of Regulation III, 1814, is to have operation in respect to the Thakoor of Bhownaghur.

III. Cases of mortgage or conditional cession of lands for a limited period, or generally, wherein the occupant shall not have acquired possession under title conveying a permanent right of property, are excepted from the limitation prescribed in the preceding clause, and are to be taken cognizance of according to the established Regulations. Exception.

VI. The Thakore is amenable to the courts of justice from the date of the cession, for all claims for the recovery of lands and other immovable property; and generally in all other cases, from the 20th of July last, when the Thakore was declared to be, as a proprietor of lands within the territories of the honourable Company, subject to the jurisdiction of their courts of justice. Date from which the Thakoor is amenable to the courts of justice.

A. D. 1816. REGULATION VII.

A REGULATION for altering and prescribing the date on which the provisions of Regulation XIV, 1815, intituled "A Regulation for levying a stamp "duty on certain law and other papers and documents under the Presidency "of Bombay, and in the territories subordinate thereto," are to be considered in force within the zillahs of Surat and Broach only; and for modifying part of Section XXXII. of the said Regulation, respecting Petitions to be preferred to the Governor in Council:—Passed by the Right honourable the Governor in Council, on the 14th August 1816; corresponding with the 6th of Shravan Vud Sumbut or Vikramajet era 1872; Salbahan 1738; and 19th of Ramzan 1231 Hejiree.

Preamble.

WHEREAS delays have occurred, from unavoidable circumstances, in preparing and issuing stamped paper of the values prescribed by Regulation XIV, A. D. 1815, and the near approach of the rainy season preventing the superintendent of stamps from affording to the collectors of the northern zillahs of Surat and Broach the necessary supplies, so as to enable the collectors to distribute them throughout their collectorships in a reasonable time; and whereas it being deemed essential that the operation of the aforesaid Regulation should be postponed within the northern zillahs, and that notification of the date thereof should be duly promulgated in manner and form directed in Regulation I, A. D. 1799; and whereas it is essential to modify such parts of Section XXXII, of the Regulation aforesaid, as relate to the presentation of petitions to the Governor in Council, by exempting all original petitions from the stamp duty; the following enactment has been accordingly passed by the Governor in Council.

Date on which the provisions of Regulation XIV, A. D. 1815, were in force, rescinded.

II. So much of the preamble of Regulation XIV, A. D. 1815, as relates to the date on which the provisions of that enactment are considered to be in force, as far as respects the zillahs of Surat and Broach, is hereby rescinded.

And fixed to be on the 21st October 1816.

III. The provisions of Regulation XIV, A. D. 1815, are to be considered in force in these zillahs from the 21st of October 1816.

Part of Section XXXII, Regulation XIV, 1815, repealed.

IV. Such part of Section XXXII, Regulation XIV, 1815, as requires miscellaneous petitions and applications, which may be preferred to the Governor in Council, to be written on stamped paper, is repealed.

Petitions to the Governor in Council, in the first instance, not required to be written on stamped paper; in what cases they are to be written on stamped paper.

V. Miscellaneous petitions and applications, which may be preferred to the Governor in Council, in the revenue and judicial departments, are not required to be written on stamped paper, unless the subject matter of such petitions or applications shall have previously received the consideration and decisions of the Government, or may be preferred in appeal from any of the decisions of collectors or custom masters and their assistants, or from the provincial court of appeal or circuit, or from the court of Sudder Adawlut or superior tribunal, in all which cases they are to be written on stamped paper of two rupees.

A. D. 1816. REGULATION VIII.

A REGULATION for prescribing the manner in which Manifests of Goods imported in Dows, Dingeys, Botellas and every other description of small craft, are in future to be drawn out and delivered into the respective Custom Houses dependent on the Presidency of Bombay:—Passed by the Right honourable the Governor in Council, on the 16th of October 1816; corresponding with the 10th of Asvin Vud Sumbut or Vikramajet era 1872; Salbahar 1738; and the 23d of Zilkad 1231 of the Hijree.

Preamble.

WHEREAS various frauds have been practised on the revenues, in consequence of the manifests of dows, dingeys and bottellas not containing a true account of the whole of the cargo on board, the following rules have been enacted, to be in force from the date of their promulgation.

II. Withi

II. Within twenty-four hours after the arrival of all dows, dingeys, bottellas and every other description of small craft frequenting the harbour of Bombay, and those of the several stations subordinate thereto, the naquedas, syrangs or tindals, are required to deliver into the custom house, a true and perfect manifest of treasure and merchandize laden on board, agreeably to the following form, viz.

Manifeſt to be delivered in twenty-four hours after the arrival of veſſels.

FORM of Manifest.

MANIFEST of the cargo of the from Naqueda or Syrang under colours.

Packages.	Weight or Quantity.	Description.	Consigned to.	Prime Cost.

III. Goods imported into Bombay, and forwarded to subordinate stations on the same bottom as imported, being neither landed nor transhipped in the harbour, are not liable to the established duties of the port; but if all such goods are not included in the manifest, they will be liable to confiscation.

Goods imported into Bombay, and carried to ſubordinates on the ſame bottom, not having been landed or tranſhipped, not liable to confiſcation.

liable to cuſtoms; but all goods not duly manifeſted, ſhall be

A. D. 1816. REGULATION IX.

A REGULATION vesting the Collector at Anjar, his Assistant, and Native Commissioners, with powers to hear and determine Civil Suits, and with magisterial authority for the apprehension and trial of persons charged with Crimes or Misdemeanors:—Passed by the Right honourable the Governor in Council, on the 6th of November 1816; corresponding with the 1st of Kartick Vud Sumbut or Vikramajit era 1873; Salbahan 1738; and 5th of Zilhij 1231 of the Hijeree.

WHEREAS by the 10th article of the treaty concluded between lieutenant James Macmurdo on the part of the honourable East India Company, and his Highness Maharaj Merza Bharmuljee, Raô of Cutch, on the 14th of January 1816, ratified by his Excellency the Right honourable the Governor General in Council, on the 9th of March following, his Highness has ceded to the honourable Company, in perpetual sovereignty, the fort and district of Anjar, with its dependent villages, including Toona Bunder: and whereas it is essential that provision should be made for the administration of justice within the territories now dependent on, or which may hereafter be annexed to Anjar: and whereas considering the detached situation of Anjar, it is deemed advisable to vest in the magistrate more extended powers for hearing and determining crimes and misdemeanours beyond the powers the magistrates of the other zillahs are authorized to exercise; and to authorize his assistant as the register, and native commissioners, to hear and determine offences of a minor description; and to render questions of marriage, adultery and fornication cognizable by punchaits, according to the accustomed modes of the country; the following rules have been accordingly enacted.

Preamble.

II. The collector, his assistant as register, and native commissioners, are empowered to try and decide on all suits and complaints of a civil nature, for money or personal or real property, or of malguzaree or revenue land, or for lackhirazee or free land, which may arise within the territories which now are or hereafter may be dependent on Anjar, according to the limitations and forms prescribed by the Regulations for the administration of justice under this Presidency, which are hereby declared to be extended

The collector, his aſſiſtant as regiſter, and native commiſſioners, empowered to try and decide all ſuits and complaints of a civil or revenue nature.

extended to the zillah of Anjar, under such modifications as may be prescribed by the present enactment.

Revenue cases between individuals to be decided by them. Complaints againſt them in their official capacities amenable to the Sudder Adawlut.

III. The cognizance of cases of a revenue description, specified in Section II, bear reference only to complaints between individuals, and in which the Company may not be a party; all complaints against the collector and his assistant, and native officers, are hereby declared to be amenable to the Sudder Adawlut.

The collector to receive and file ſuits of that deſcription, and to report to the Sudder Adawlut.

IV. The collector is however directed to receive and file all suits and complaints referred to in the preceding section, and to forward monthly returns of the same to the Sudder Adawlut, to enable that court to determine upon the necessity of deputing one of the judges of the zillah courts to Anjar, for the trial of the same.

Date from which cauſes are to be actionable.

V. The collector is prohibited from hearing, trying or determining the merits of any civil suits whatever in the zillah of Anjar and its dependencies, if the cause of action shall have arisen at a period being twelve years antecedent to the 14th day of January 1814, the date on which that district was ceded to the honourable Company.

Their nature defined.

VI. It is to be understood that the powers vested in the collector, by the foregoing clause, to receive and try suits in which the cause of action shall have originated prior to the 14th of January 1816, are to be restricted to the trial of suits of a private nature between individuals, of which cognizance would have been taken by the courts, officers or authorities established for the administration of justice under the government of the Raô of Cutch, or of the chieftain of Anjar; and that such powers are not to be considered to extend to authorizing the collector to take cognizance of any civil suits originating in acts of the former government or of its officers, or in engagements contracted by individuals with the officers of the Raô's government in their official capacities, and of which, according to the usages of their government, cognizance would not have been allowed to be taken by the persons entrusted with the exercise of judicial authority.

Proviſion in caſe of doubt.

VII. If the collector shall entertain doubts whether any suit preferred to him is cognizable by him under the restrictions contained in the preceding section, the collector shall state the circumstances to the provincial court of appeal; which court shall forward the same, with its opinion thereon, to the Sudder Adawlut; and the Sudder Adawlut shall submit the case to the Governor in Council, and shall abide by such orders as he may pass with regard to the admission or rejection of the suit.

The collector prohibited from trying ſuits of earlier dates than twelve years from the 14th January 1814. Exception.

VIII. After the period of twelve years shall have elapsed from the date of the cession of Anjar, the collector is prohibited from hearing, trying or determining the merits of any civil suit, with the exception of the suits described in Sections V. and VI, Regulation III, 1814, if the cause of action shall have arisen at a period being twelve years antecedent to the date on which the petition for the institution of such suit shall be presented to the collector; unless the complainant can shew by clear and positive proof that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand or promised to pay the money; or that he directly referred his claim, within that period, to the matter in dispute, to a court of competent jurisdiction, or person having authority, whether local or otherwise, for the time being, to hear such complaint and to try the demand; and shall assign satisfactory reasons to the collector why he did not proceed in the suit, or shall prove that, either from minority or other good and sufficient cause, he was precluded from obtaining redress; provided, however, that it shall not be competent to the collector, under the powers vested in him by this clause, to hear, try, or determine the merits of any civil suit whatever, if the cause of action shall have arisen previous to the 14th day of January 1816.

The collector veſted with magiſterial powers.

IX. The collector is also vested with magisterial powers, and authorized to exercise the same conformably to the provisions contained in Regulation III, 1800, under the following modifications; previously however to his entering upon the execution of the duties of a magistrate, he shall take and subscribe before the Governor or the Governor in Council, or such person as may be empowered under his warrant to administer it, the oath prescribed in Section II. of that Regulation.

To be ſworn in previous to entering upon the execution of the office.

Magiſtrate to apprehend murderers and other perſons charged with crimes and miſdemeanors.

X. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, housebreakers, and disturbers of the peace, and persons charged before him with crimes or misdemeanors; and he is empowered to hear and determine, without any reference to the court of circuit, all complaints or prosecutions brought before him,

him, which may not be of a capital nature, and to punish the parties by fines, or imprisonment and hard labour, or the infliction of corporal punishment, according to the nature and degree of each offence and the circumstances of each case; provided such offence shall have been committed subsequently to the date of the cession, the magistrate being prohibited from taking cognizance of crimes committed prior to that date.

The mode of punishment.

XI. Upon a complaint being preferred to the magistrate against any persons for crimes of a capital nature, the magistrate shall proceed against the party complained against, and commit him for trial in the manner prescribed by Regulation III, 1800.

On crimes of capital nature, how to proceed.

XII. The magistrate is empowered to authorize his assistant to hear and determine all complaints or prosecutions of the nature of those described in Sections VII. and VIII, Regulation III, 1800, and to inflict the punishments therein specified; and to his native commissioners, petty offences, such as abusive language, calumny, inconsiderable assaults or affrays; provided, the corporal punishment to be inflicted shall not exceed fifteen rattans, the imprisonment fifteen days, or the fine fifteen rupees.

The magistrate to authorize his assistants to hear and determine certain complaints or prosecutions, and how to punish.

XIII. Previously to the assistant to the collector and the assistant to the magistrate, and the native commissioners, entering upon the exercise of their judicial and magisterial duties, they shall take and subscribe, before the collector and magistrate in open court, the oaths prescribed by Section III, Regulation IV, 1800, and Regulations II. and VII, 1812.

The assistant and native commissioners to be sworn in previous to entering upon their duties.

XIV. Nothing herein contained shall be construed to relieve the magistrate from the responsibility attached to him by Section XVI, Regulation III, 1800, for inflicting punishments on insufficient grounds, and which is hereby declared to attach also to his assistant and native officers.

The magistrate, his assistant, and native officers, responsible for inflicting punishment on insufficient grounds.

XV. The magistrate of Anjar will forward to the court of circuit returns of prisoners who may be committed for trial, and the judge of circuit will thereon proceed to Anjar to deliver the jail, either on the circuit of the 1st of January or the 1st September in each year, should there be any prisoners for trial, but not otherwise, and at both those periods, should the state of the jail require it.

To forward returns of prisoners for trial to the court of circuit.

Date upon which the gaol deliveries are to be held.

XVI. All disputes or complaints respecting caste and moral discipline, that is, questions of marriage, adultery and fornication, are to be cognizable by punchaits, or the spiritual heads of tribes, to be convened, and their proceedings to be regulated conformably to the accustomed modes of the country, and the law of the religious persuasion of the parties respectively, should both be of the same, or of that of the defendant, should they be different.

Caste disputes to be tried by punchaits.

XVII. Should the futwah of the law officer involve an expulsion from caste, it shall not be carried into effect without the confirmation of the superior tribunal, to which court a copy of the proceedings must be forwarded; nor shall any other inferior punishment be inflicted without the approval and confirmation of the magistrate, who is empowered to mitigate, but in no instance to enhance the punishment that may be awarded by the punchait.

Expulsion from caste not to be carried into effect without the confirmation of the superior tribunal.

Nor inferior punishment, without the confirmation of the magistrate.

The magistrate may mitigate, but not enhance the punishment decreed by the punchait.

XVIII. No pardon shall in any instance be granted except by the Governor in Council, on a representation of any particular case to his consideration through the superior tribunal.

Pardon to be granted by the Governor in Council only.

A. D. 1816. REGULATION X.

A REGULATION for modifying certain parts of Regulation X, 1813:—Passed by the Right honourable the Governor in Council, on the 11th of December 1816; corresponding with the 7th of Margseer Vud, Sumbut or Vekramajit era 1873; Salbahan 1738; and 21st of Mohurrum 1232 of the Hijeree.

WHEREAS a convention of commerce has been concluded between Great Britain and the United States of America, containing certain special provisions for the conduct of the trade of American subjects with the British territories in India,

the following rules have been framed into a Regulation, to be in force in the territories immediately dependent on the Presidency of Bombay from the period of their promulgation.

The operation of parts of Section III, Regulation X, 1813, modified.

II. It is hereby declared and enacted that such parts of Section III, Regulation X, 1813, as refer to ships belonging to the United States of America, shall cease during the continuance of the said convention, and the several provisions of the third article thereof, which is herein inserted, shall, during the said period, be observed within the territories immediately dependent on the Presidency of Bombay.

Article III. of a convention of commerce.

Article III. of a convention of commerce between Great Britain and the United States of America, signed at London, 3d July 1815.

" His Britannic Majesty agrees that the vessels of the United States of America " shall be admitted and hospitably received at the principal settlements of the " British dominions in the East Indies, viz. Calcutta, Madras, Bombay, and Prince " of Wales' Island; and that the citizens of the said United States may freely carry " on trade between the said principal settlements and the said United States, in all " articles of which the importation and exportation respectively, to and from the " said territories, shall not be entirely prohibited: provided only, that it shall not " be lawful for them, in any time of war between the British Government and any " state or power whatever, to export from the said territories, without the special " permission of the British Government, any military stores, or naval stores, or rice. " The citizens of the United States shall pay for their vessels, when admitted, no " higher or other duty or charge than shall be payable on the vessels of the most " favoured European nations; and they shall pay no higher or other duties or " charges on the importation or exportation of the cargoes of the vessels, than " shall be payable on the same articles when imported or exported in the vessels of " the most favoured European nations.

" But it is expressly agreed, that the vessels of the United States shall not " carry any articles from the said principal settlements to any port or place, except " to some port or place in the United States of America, where the same shall be " unladen.

" It is also understood, that the permission granted by this article is not to " extend to allow the vessels of the United States to carry on any part of the coasting " trade of the said British territories; but the vessels of the United States having, in " the first instance, proceeded to one of the said principal settlements of the British " dominions in the East Indies, and then going with their original cargoes, or any " part thereof, from one of the said principal settlements to another, shall not be " considered as carrying on the coasting trade. The vessels of the United States " may also touch for refreshments, but not for commerce, in the course of their " voyage to or from the British territories in India, or to or from the dominions of the " Emperor of China, at the Cape of Good Hope, the Island of St. Helena, or such " other places as may be in the possession of Great Britain, in the African or Indian " Seas; it being well understood that in all that regards this article, the citizens of " the United States shall be subject, in all respects, to the laws and regulations of " the British Government, from time to time established."

Explanation regarding the veſſels of the United States of America being prohibited from touching at, or holding any communication with the iſland of Saint Helena.

III. In explanation of the above article, the Governor in Council deems it proper to give notice, for general information, that the ratifications of the Treaty were exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication with the island of St. Helena, as long as the said island shall continue to be the place of residence of Napoleon Buonaparte.

2.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ:

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1817.

(Presented in pursuance of Act 53 Geo. III. cap. 155, Sect. 66.)

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1819.

REGULATIONS Passed by the Governments of India:—Presented to the Honourable House of Commons, in pursuance of an Act of Parliament of the 53° Geo. III. Cap. 155, Sect. 66:—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1817;

N° I. to XXVI.

Regulation.

I.—For extending the authority of the Commissioner in Behar and Benares, to the districts of Ramghur, Bhaugulpore and Purneah:— - - Passed on the 17 January 1817 - - - p. 5

II.—For re-establishing the office of Canoongoe in those portions of the districts of Rhamgur, Bhaugulpore and Purneah, which are comprised in the province of Behar:—
Passed on the 17 January 1817 - - - ibid.

III.—For diminishing the expense to which parties are liable in original suits or appeals not exceeding sixty-four rupees in value or amount, when tried by the Zillah and City Judges, Registers or Sudder Aumeens; and for modifying and explaining some of the rules contained in Regulation I, 1814, and in Regulation XXIII, 1814:—
Passed on the 31 January 1817 - - - p. 6

IV.—For annexing to the zillah of Seharunpore, the tract of country called Deyra Doon, formerly composing a part of the territories of the Rajah of Nepaul:—
Passed on the 28 February 1817 - - - ibid.

V.—For declaring the rights of Government and of individuals with respect to hidden treasure; and for prescribing the rules to be observed on discovery of such treasure:—
Passed on the 28 February 1817 - - - p. 7

VI.—To explain the purport and intent of the provision contained in Section II, Regulation XXIV, 1803:— - - - - - - - - - Passed on the 11 April 1817 - - - p. 9

VII.—For modifying that part of Section IV, Regulation XXII, 1816, which declares that the allowances of chokeedars of Police shall not exceed three rupees per mensem:—
Passed on the 18 April 1817 - - - ibid.

VIII.—For modifying certain parts of Regulation XVII, 1813:—
Passed on the 2 May 1817 - - - - p. 10

IX.—For rescinding Regulation V, 1815:—
Passed on the 22 July 1817 - - - - p. 11

X.—For the trial of persons charged with the commission of certain heinous offences in Kumaoon and other tracts of territory ceded to the Honourable the East India Company by the Rajah of Nepaul, and subject to the British Government:—
Passed on the 22 July 1817 - - - - ibid.

XI.—For modifying certain parts of Regulations XIX and XXXVII, 1793, and Regulations XLI and XLII, 1795:— - - - - - Passed on the 29 July 1817 - - - - p. 13

XII.—For securing the better administration of the office of Putwaree in the ceded and conquered provinces, the provinces of Behar and Benares, the district of Cuttack, the pergunnah of Puttaspore and its dependencies:— - - - Passed on the 12 August 1817 - - - p. 14

XIII.—For establishing the office of Canoongoe in the district of Midnapore and in the Mehals, subject to the authority of the Collector of Hidgellee, and for extending to the said district and Mehals, the operation of Regulation XII, 1817:—
Passed on the 26 August 1817 - - - p. 19

XIV.—For amending certain parts of Regulation II, 1812:—
Passed on the 9 September 1817 - - - p. 20

XV.—For imposing a duty on foreign Salt, imported by sea into any port or place within the limits of the territories immediately dependent on the presidency of Fort William:—
Passed on the 9 September 1817 - - - p. 22

XVI.—For imposing a duty on foreign Opium, imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William:—
Passed on the 9 September 1817 - - - p. 23

XVII.—To provide for the more effectual administration of Criminal Justice in certain cases:—
Passed on the 16 September 1817 - - p. 24

XVIII.—To modify the rules in force which prescribe an oath of office to be taken by certain Native Officers; and to explain and amend other provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts:—
Passed on the 16 September 1817 - - p. 32

XIX.—For modifying and amending some of the Regulations in force, relative to the administration of Civil Justice, and to the authorized summary process for recovery of arrears of rent:—
Passed on the 16 September 1817 - - p. 34

XX.—For reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of Darogahs and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process, and for requiring further aid to the Police, in certain cases, from proprietors and farmers of land, and their local managers, as well as from the munduls and other heads of villages:—
Passed on the 7 October 1817 - - - p. 39

XXI.—For modifying and explaining certain parts of Regulation IV, 1815:—
Passed on the 28 October 1817 - - - p. 85

XXII.—For vesting the Judge and Magistrate of Cuttack with power to remove and to appoint the Native Ministerial Officers on his Establishment, without a previous reference to the Provincial Courts of Appeal and Circuit for the Division of Calcutta:—
Passed on the 28 October 1817 - - - p. 92

XXIII.—For modifying certain parts of Regulations XIX and XXXVII, 1793, and for defining the right of Government to the revenue of lands not included within the boundaries of estates for which a settlement has been made:— - - Passed on the 28 October 1817 - - - p. 93

XXIV.—For modifying the constitution of the Commission established in the provinces of Behar and Benares, and in the districts of Ramghur, Bhaugulpore and Purneah; for extending the authority of the said Commission to the districts of Dinagepore and Rungpore; and for better defining the powers to be exercised in certain cases by a single Member of the Board of Revenue, or Commission vested with the authority of that Board;—
Passed on the 9 December 1817 - - - p. 97

XXV.—For fixing the weight of the pice struck at the Calcutta Mint, and for giving general circulation to pice struck at any of the Mints subordinate to this Presidency:—
Passed on the 9 December 1817 - - - p. 98

XXVI.—For authorizing the circulation of Furruckabad Rupees, coined in the Mints of Calcutta, Furruckabad or Benares, or at any other Mint, established by order of the Governor General in Council:— - - - - - - Passed on the 16 December 1817 - - - ibid.

II.—By the Governor in Council of Fort St. George, in the Year 1817; N° I. to VIII.

Regulation.

I.—For modifying certain parts of Regulation IV, 1812:—
Passed on the 20 January 1817 - - - p. 99

II.—For suspending, for a certain period, the operation of Regulations XIII, XIV, and XV, of 1816, and for re-establishing certain Stamp Duties abolished by the first of those Regulations;—
Passed on the 20 January 1817 - - - p. 100

III.—For explaining and modifying certain Provisions of Regulations IX, X, and XI, of 1816:—
Passed on the 3 February 1817 - - - p. 101

IV.—For rescinding Regulation V, of 1812, and reviving the jurisdiction of the Zillah of South Malabar over the Town of Cochin and its Dependencies:
Passed on the 17 February 1817 - - - p. 102

V.—For providing a succession of Hindoos and Mahomedans, duly qualified to be employed as Law Officers, and as Vakeels, in the Courts of Udawlut under the Presidency of Fort St. George:—
Passed on the 19 May 1817 - - - ibid.

VI.—For declaring the Provisions of Section IX, Regulation XIII, of 1816, not applicable to Deeds and Instruments executed previously to the 12th of July 1817, and for reviving the operation of Regulation VIII, of 1808, and Regulation II, of 1813, with respect to Deeds and Instruments executed between the 1st of January 1809 and the 12th of July 1817:—
Passed on the 30 September 1817 - - p. 106

VII.—For the due appropriation of the Rents and Produce of Lands granted for the support of Mosques, Hindoo Temples and Colleges, or other public purposes; for the maintenance and repair of Bridges, Choultries, or Chuttrums, and other public Buildings; and for the custody and disposal of Escheats:— - - - - - - - Passed on the 30 September 1817 - - ibid.

VIII.—For expediting the Trial of Civil Suits, in which the Native Officers and Soldiers attached to regular Corps on the Military Establishment of the Presidency of Fort St. George may be parties, and for giving to them certain facilities in the maintenance and recovery of their Rights, Claims, and Interests:— - - - - - - - - - Passed on the 9 December 1817 - - - p. 108

III.—By the Governor in Council of BOMBAY, in the Year 1817; N° I. to VII.

Regulation.

I.—For annexing to the Zillahs of Kaira and Surat, the Pergunnahs, Tuppa and Villages in Guzerat, formerly composing part of the Territories of his Highness the Guycowar, and ceded to the Honourable East India Company in exchange for the Pergunnah of Beejapoor:—
Passed on the 23d April 1817 - - - p. 114

II.—For amending Regulation XIII, of 1815:—
Passed on the 23 July 1817 - - - p. 115

III.—To explain and amend Regulation IX, 1815, made by the Right Honourable the Governor in Council on the 6th of September 1815, respecting a certain Tax on Houses on the Island of Bombay, situated beyond the limits of the Town, and Island of Coolaba; which Tax was imposed by the order and under the authority of the Right Honourable the Governor in Council, on the 20th January 1813, and confirmed by the statute of the 54 Geo. III. c. 105:—
Passed on the 30 July 1817 - - - p. 118

IV.—For authorizing the levy of certain Fees in the Court of Petty Sessions, and in the Offices of the Magistrates of Police; made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:—
Passed on the 6 August 1817 - - - p. 121

V.—For the levying and enforcing the payment of certain Taxes on Carriages and riding Horses; for the repairs of the Roads situate beyond the limits of the Town of Bombay, and for the construction of such others as may be necessary;—made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:—
Passed on the 6 August 1817 - - - p. 122

VI.—For annexing to the Zillahs of Salsette, Broach and Kaira respectively, the Territories in the Concan, and Souba or Province of Guzerat, formerly composing part of the Possessions of his Highness the Peishwa, which have been ceded to the Honourable East India Company; and for extending the Regulations applicable to the Zillah Courts in Guzerat, to the Zillah of Salsette:— - - - - - - - - - - - Passed on the 27 August 1817 - - - p. 126

VII.—For preventing the clandestine importation and sale of Tobacco, Ganza and Snuff in the islands of Bombay, Coolaba and Old Woman's Island; and for licensing the retailers thereof:—
Passed on the 27 August 1817 - - - p. 127

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*, in the Year 1817.—N° I to XXVI.

A. D. 1817. REGULATION I.

A REGULATION for extending the Authority of the Commissioner in Behar and Benares, to the districts of Ramghur, Bhaugulpore, and Purneah:—Passed by the Governor General in Council, on the 17th of January 1817; corresponding with the 6th Magh 1223 Bengal era; the 14 Magh 1224 Fusly; the 7th Magh 1224 Willaitee; the 15th Magh 1873 Sumbut; and the 28th Suffer 1232 Hijree.

Preamble.

WHEREAS it has been deemed advisable to extend the authority of the Commissioner in Behar and Benares to the districts of Ramghur, Bhaugulpore and Purneah, the following rule has been enacted to be in force from the 1st of February 1817; corresponding with the 21st Magh 1223 Bengal era; the 29th Magh 1224 Fusly; the 22d Magh, 1224 Willaitee; the 14th Magh 1873 Sumbut; and the 13th Rubee-ool-uwal, 1232, Hijree.

The authority of the Commissioner in Behar and Benares, extended to the districts of Ramghur, Bhaugulpore and Purneah.

II. The general superintendence of the revenues of the districts of Ramghur, Bhaugulpore and Purneah, shall be vested in the Commissioner in Behar and Benares, in the same manner as the superintendence of the revenues of the province of Benares, and of the Zillahs of Behar, Shahabad, Sarun and Tirhoot, is now exercised by that officer, under the provisions of Regulation I. 1816.

A. D. 1817. REGULATION II.

A REGULATION for re-establishing the Office of Canoongoe, in those portions of the districts of Ramghur, Bhaugulpore and Purneah, which are comprised in the province of Behar:—Passed by the Governor General in Council, on the 17th January 1817; corresponding with the 6th Magh 1223 Bengal era; the 14th Magh 1224 Fusly; the 7th Magh 1224 Willaitee; the 15th Magh 1873 Sumbut, and the 28th Suffer 1232 Hijree.

Preamble.

WHEREAS the office of Canoongoe has already been re-established under the provisions of Regulation II, 1816, in that portion of the province of Behar which forms the districts of Shahabad, Tirhoot, Sarun and Behar: and whereas it is expedient to re-establish the said office generally throughout the province of Behar, the following rule has been enacted, to be in force from the 1st of February 1817, corresponding with the 21st Magh 1223 Bengal era; the 29th Magh 1224 Fusly; the 22d Magh 1224 Willaitee; the 14th Magh 1873 Sumbut, and the 13th Rubee-ool-uwal 1232 Hijree.

The operation of Regulation II, 1816, extended to parts of the districts of Ramghur, Bhaugulpore, and Purneah.

II. The operation of the rules contained in Regulation II, 1816, is hereby extended to the several Pergunnahs of the Zillahs of Ramghur, Bhaugulpore and Purneah, which are comprised in the province of Behar, and are usually denominated the Fuslee Mehals of the Zillahs above-mentioned.

A. D. 1817. REGULATION III.

A REGULATION for diminishing the expense to which parties are liable in original suits or appeals, not exceeding sixty-four rupees in value or amount, when tried by the zillah and city judges, registers or sudder aumeens; and for modifying and explaining some of the rules contained in Regulation I, 1814, and in Regulation XXIII, 1814:—Passed by the Governor General in Council, on the 31st of January, 1817; corresponding with the 20th Maug 1223 Bengal era; the 28th Maug 1224 Fusly; the 21st Maug 1224 Willaity; the 13th Maug 1873 Sumbut; and the 12th Rubee-ool-uwal 1232 Higeree.

Preamble.

WHEREAS parties in civil suits, not exceeding in value or amount sixty-four rupees, are now liable to disproportionate expense, when such suits are prosecuted in the zillah or city courts, and whereas it is expedient to render the provisions contained in Sections XV, XVI and XVII, Regulation I, 1814, applicable to appeals, exceeding sixty-four rupees in value or amount, when such appeals are referred for trial to the zillah and city registers: and whereas it is expedient to remove certain doubts which have arisen regarding the construction of the second Clause of Section XLIX, Regulation XXIII, 1814; the following rules have been enacted, to take effect from the 1st of March 1817, throughout the provinces immediately subject to the presidency of Fort William.

Certain provisions in Regulation XXIII, 1814, declared to extend to all original suits and appeals, which may be instituted in the zillah or city courts, not exceeding in amount the sum of sixty-four rupees.

II. The provisions contained in Clause fourth, Section XXV, in Clause third, Section XXIX, and in Clause first, Section XXXVIII, of Regulation XXIII, 1814, are hereby extended to all original suits or appeals not exceeding in amount or value the sum of sixty-four rupees, which may be instituted in the zillah or city courts subsequently to the date fixed for the operation of this Regulation, whether those suits be tried by the zillah or city judges themselves, or be referred for trial to the sudder aumeens or registers.

Sections XV, XVI and XVII, Regulation I, 1814, applicable to appeals before registers, exceeding in value or amount the sum of sixty-four rupees.

III. The rates of stamp-duty prescribed for the register's court by Sections XV, XVI, and XVII, Regulation I, 1814, are hereby declared applicable to appeals from the decisions of sudder aumeens, which may be referred for trial to the zillah and city registers, in all cases in which the amount or value originally adjudged against the appellant, shall exceed sixty-four rupees.

Explanation of Section II, and Clause second, Section XLIX, Regulation XXIII, 1814.

IV. Doubts having arisen, whether under the provisions of Section II, and of the second Clause of Section XLIX, Regulation XXIII, 1814, the plaintiffs or appellants in suits depending before the moonsiffs and sudder aumeens, which may be adjusted by razeenamah, are entitled to receive the whole or any portion of the value or amount of the institution fee, in such suit, it is hereby declared, that the plaintiffs or appellants in suits, which may be adjusted by razeenamah, before the moonsiffs and sudder aumeens, are not entitled to receive back any part of the value or amount of the fee in question, the whole of which is to be paid to the sudder aumeens or moonsiffs, in conformity with the second Clause of Section XLIX, Regulation XXIII, 1814.

A. D. 1817. REGULATION IV.

A REGULATION for annexing to the Zillah of Seharunpore the tract of Country called Deyra Doon, formerly composing a part of the territories of the Rajah of Nepaul,—Passed by the Governor in Council, on the 18th February 1817; corresponding with the 18th Phaugun 1223 Bengal era; the 26th Phaugun 1224 Fusly; the 19th Phaugun 1224 Willaity; the 12th Phaugun 1873 Sumbut; and the 11th Rubee-us-Sanee 1232 Higeree.

Preamble.

WHEREAS the tract of country called Deyra Doon, heretofore forming a part of Gurhwal, has been ceded to the Honourable East India Company, in full Sovereignty by the Rajah of Nepaul: and whereas it has been judged advisable to annex that tract of country to the district of Seharunpore, the following rules have been enacted, to be in force from the period of their promulgation.

II. The

II. The tract of country called Deyra Doon, heretofore forming a part of Gurhwal, shall be annexed to the district of Seharunpore, and shall be considered subject in all matters of police and criminal jurisdiction to the magistrate of the northern division of Seharunpore; and in all matters of a civil nature to the jurisdiction of the Dewanny Adawlut of that district. The laws and regulations established for the internal administration of the ceded and conquered provinces are hereby declared to be in full force and effect in the Deyra Doon, subject however to the provisions contained in the following Sections.

The tract of country called Deyra Doon to be annexed to Seharunpore, and the existing laws and regulations extended to that tract of country.

Subject to the following provisions:

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in the Deyra Doon, the cause of action in which may have originated previously to the 15th of May 1803, being a period of twelve years antecedent to the date of the convention, by which that tract of country was surrendered to the British Government.

Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 15th May 1803.

IV. *First.*—The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the Deyra Doon, previously to the 15th of May, 1815, being the date of the convention by which the said tract of country was surrendered to the Honourable the East India Company.

Criminal courts prohibited from taking cognizance of offences committed previously to the 14th May 1815.

Second.—No part of the regulations in force, by which the punishment of any offence may be enhanced beyond the punishment prescribed for such offence, according to the existing laws and usages of the territory in question, shall be considered applicable to any crime or offence committed within the Deyra Doon, between the 15th of May 1815, and the period of the promulgation of this Regulation.

Certain provisions of the regulations in force declared inapplicable to offences committed in the Deyra Doon, between the 15th May 1815, and the promulgation of this Regulation.

Third.—In cases however, in which the penalties established by the existing Regulations may appear to be more lenient than those to which the offenders would have been subject under the pre-existing laws and usages of the Doon, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 15th of May 1815, and the period of the promulgation of this Regulation.

Provisions of the Criminal Regulations which may be favourable to the prisoner to be applicable to such cases.

V. The Governor General in Council reserves to himself the power of fixing the periods, for which the settlement of the land revenue shall from time to time be formed in the Deyra Doon, according as local circumstances may appear to require, adhering however, as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

Power reserved to the Governor General in Council of fixing the periods for the formation of the settlement of the land revenue.

A. D. 1817. REGULATION V.

A REGULATION for declaring the rights of Government and of individuals with respect to hidden treasure; and for prescribing the rules to be observed on discovery of such treasure.—Passed by the Governor General in Council on the 28th of February 1817; corresponding with the 18th Phaugun 1223 Bengal era; the 26th Phaugun 1224 Fusly; the 19th Phaugun 1224 Willaity; the 12th Phaugun 1873 Sumbut; and the 11th Rubee-us-Sanee 1232 Higeree.

WHEREAS the provisions of the Mahommedan and Hindoo laws respecting the discovery of hidden treasure differ materially: and whereas it is deemed expedient that an uniform principle should be established for the guidance of persons by whom hidden treasure may be discovered, the following provisions are enacted, to be in force as soon as promulgated throughout the Provinces immediately subordinate to the Presidency of Fort William.

Preamble.

II. Whenever any hidden treasure, consisting of gold or silver coin, or bullion, or of precious stones, or other valuable property, may be found buried in the earth, or otherwise concealed within any part of the territory subject to this Presidency; and after due notification the owner thereof may not be discoverable; such hidden treasure shall become the property of the person or persons who may have found the same, provided it shall not exceed in amount or value, the sum of one lack of sicca rupees; and provided the finder or finders shall have conformed to the rules prescribed in this Regulation.

Hidden treasure, under what circumstances and conditions to become the property of the finder.

III. Whenever

The finder how to proceed on the discovery of hidden treasure.

III. Whenever any person may find hidden treasure, of the description stated in the foregoing Section, he shall give immediate notice thereof to the judge of the zillah or city in which the treasure may have been found; and shall at the same time deposit the treasure in the zillah or city court, with an exact inventory thereof.

Duty of the zillah or city judges in such cases.

Notification to be issued, and period allowed, to claimants to bring forward their claims.

IV. The zillah or city judge receiving a deposit as above directed, shall return a receipt for the treasure deposited, after causing the same to be carefully compared with the inventory; and shall issue a public notification in the current languages of the country, to be published and affixed in his own cutcherry, and in the cutcherry of the collector of the district, requiring all persons who may have any claim of right to the treasure in deposit, to attend in person, or by vakeel, and prove their title thereto, within six months from the date of the notice.

Collectors of land revenue to bring forward any claim of right which Government may appear to possess to such treasure.

Summary inquiry to be instituted by the judges of zillah and city courts.

How judgment to be awarded by the judge.

V. It shall be the duty of the collectors of land revenue acting under the instructions of the Board of Commissioners, or the Commissioner in Behar and Benares, or the Board of Revenue, to bring forward and to support, in conformity with the foregoing provision, any claim of right which Government may appear to possess to such treasure. In the event of any claim of right being preferred, either on the part of individuals or of Government, pursuant to the prescribed notification, the judge shall institute a summary inquiry into the claim preferred; and if the title of Government, or other person so claiming the treasure in deposit, or any part thereof, be clearly established, he shall adjudge the same accordingly; subject to reimbursement of all expense incurred by the finder of the treasure, as well as to such compensation for the discovery of it as may, in such case, appear just and reasonable.

What judgment to be passed by the judge in cases in which no claim shall be preferred either by Government or by individuals, and the amount may not exceed one lack of sicca rupees.

VI. If no claim of right be preferred either by Government, or by an individual, within the period limited by the notification directed in Section IV, of this Regulation, or if the claim or claims so preferred shall not on a summary inquiry appear to be well founded; and the amount or value of the hidden treasure found at the same time, or in the same place, shall not exceed one lack of sicca rupees, the zillah or city judge shall adjudge the same to the person or persons who may have discovered the treasure, and deposited it in the zillah or city court, as required by Section II; subject only to the actual expense which may have been incurred in adopting the measures prescribed by this Regulation.

Decision to be passed by the judge in cases in which the amount of treasure shall exceed one lack of sicca rupees, and no claim of right thereto be established.

VII. If the amount or value of any hidden treasure found at the same time, or in the same place, shall exceed one lack of sicca rupees, and no claim of right thereto be established, judgment shall be given, according to the preceding Section, in favour of the person or persons who may have discovered and deposited the treasure, to the amount of one lack of sicca rupees; and the excess above that sum shall be declared at the disposal of Government.

Persons discovering hidden treasure, who shall neglect to give due notice within one month, shall be considered to have forfeited all right and title to the treasure and compensation.

VIII. If any person discovering hidden treasure of the description specified in Section II, of this Regulation, shall not, within one month after finding the same, give notice to the judge of the zillah or city court, in conformity with Section IV, and make the deposit thereby required, he shall be considered to have forfeited all right and title to the treasure; as well as all claim to a reimbursement of expense, compensation or reward, under the provisions of this Regulation; and the treasure so clandestinely withheld from public investigation, shall, on a summary suit by any subsequent claimant of right, and proof of a just title thereto, be adjudged to the legal owner with interest and costs; or if no private claim be established, shall on the application of the vakeel of Government, under instructions from the Board of Revenue, or the Board of Commissioners in the western provinces, or the Commissioner in Behar and Benares, be liable to confiscation to Government.

The summary decisions of the judges of the zillah and city courts shall be open to a summary appeal to the provincial courts.

IX. The summary decisions of the judges of the zillah or city courts, which may be passed under this Regulation, shall be open to a summary appeal to the provincial courts, under the general rules in force relative to summary appeals.

The decision of two or more judges of the provincial courts on such appeals to be final.

Provision for admitting a second summary appeal before the Sudder Dewanny Adawlut.

X. The decisions of two or more judges of the provincial courts on such appeals shall be final; unless the court of Sudder Dewanny Adawlut should, on the face of the decree, or on inspection of any documents exhibited with it, see just and sufficient ground for admitting a second summary appeal to that court, in which case only such further appeal may be admitted, and proceeded upon under the general rules in force for summary appeals.

A. D. 1817. REGULATION VI.

A REGULATION to explain the purport and intent of the provision contained in section II, Regulation XXIV, 1803.—Passed by the Governor General in Council, on the 11th of April 1817, corresponding with the 30th Chyte 1223 Bengal era; the 10th Bysack 1224 Fusly; the 1st Bysack 1224 Willaity; the 10th Bysack 1874 Sumbut; and the 23d Jumadee-ul-Uwal 1232 Higeree.

WHEREAS doubts have been entertained with regard to the true purport and intent of the provision contained in Section II, Regulation XXIV, 1803, and it is expedient to remove those doubts by a declaratory enactment, the following rules have been passed, to be in force throughout the Provinces in which Regulation XXIV, 1803, has operation. Preamble.

II. *First.*—It is hereby declared, that the provision contained in Section II, Regulation XXIV, 1803, was not intended to authorize the Courts of Civil Justice to take cognizance of claims to any pensions of the nature alluded to in that Section, the original title to which had not been previously recognized and confirmed by the Revenue authorities or by Government, to whom the power of investigating and finally deciding on such original titles is exclusively reserved. Explanation of the true purport and intent of Section II, Regulation XXIV, 1803.

Second.—It was only intended by Section II, Regulation XXIV, 1803, that pensions of the nature described in that Section, which had been or might be regularly sanctioned and confirmed by the proper Revenue authorities, or by Government, should not be liable to resumption on the death of the persons authorized to receive them; but should be regarded as property descending to the heirs of the present and future receivers, and be liable to be sued for and inherited in the same manner as other property.

A. D. 1817. REGULATION VII.

A REGULATION for modifying that part of Section IV, Regulation XXII, 1816, which declares that the allowances of choukeedars of police shall not exceed three rupees per mensem.—Passed by the Governor General in Council, on the 18th of April 1817, corresponding with the 7th Bysack 1224 Bengal era; the 17th Bysack 1224 Fusly; the 8th Bysack 1224 Willaity; the 2d Bysack 1874 Sumbut; and the 30th Jumadee-ul-Uwal 1232 Higeree.

WHEREAS the rate of wages to be granted to choukeedars of police entertained under the provisions of Regulation XXII, 1816, has been limited by Section IV, of that Regulation to rupees three per mensem, and whereas it may in some districts be expedient that a higher allowance than that above specified should be granted to such choukeedars, the following rules have been enacted, to be in force from the date of this Regulation throughout the territories immediately dependent on the Presidency of Fort William. Preamble.

II. *First.*—The Governor General in Council is hereby declared competent to authorize the payment to choukeedars of police of a higher allowance than that specified in Section IV, Regulation XXII, 1816, provided that such allowance shall in no instance exceed four rupees per mensem. Section IV, Regulation XXII, 1816, modified.

Second.—It shall be the duty of the superintendents of police to bring under the notice of Government all instances in which it may appear expedient, on a consideration of the usual wages of labour, or of other special or local circumstances, that the choukeedars entertained under the provisions of Regulation XXII, 1816, should receive a higher allowance than three rupees per mensem. Duty of the superintendents of police.

A. D. 1817. REGULATION VIII.

A REGULATION for modifying certain parts of Regulation XVII, 1813:—Passed by the Governor General in Council on the 2d May 1817, corresponding with the 21st Bysaak 1224 Bengal era; the 1st Jeyte 1224 Fusly; the 22d Bysaak 1224 Willaity; the 1st Jeyte 1874 Sumbut; and the 14th Jumadee-us-Sanee 1232 Higeree.

Preamble.

WHEREAS by Section VII, Regulation XVII, 1813, the general control over the proceedings of all commissions constituted under the provisions of Section VI, of that Regulation is vested in the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, and the Board of Trade respectively (according as the person accused may be under one or other of those authorities): and whereas by Sections XIII, and XIV, of the Regulation aforesaid, it is provided that the Commissioner or Commissioners so appointed shall transmit to one or other of the said authorities, as the case may be, the whole of the proceedings held, and documents received, together with a summary of the pleading and evidence, and his or their opinion on the case, and that the Sudder Dewanny Adawlut, or the Board to which the case may belong, shall submit the whole of the proceedings and documents received by them to the Governor General in Council, with their opinion whether any and what facts charged against the party appear to have been established: and whereas on some occasions an adherence to the above form of proceeding may be productive of serious delay in the final determination of the case, and of consequent distress to the accused party, as well as of inconvenience to the public service, the following rules have been enacted, in modification of the provisions above mentioned, and of such part of Section XV, of the Regulation aforesaid as refers to the said provisions.

The control over the proceedings of the Commiſſion appointed under Regulation XVII, 1813, by whom to be exercised.

II. Whenever a special Commission shall be appointed under the provisions of Regulation XVII, 1813, for the investigation of charges exhibited against a public officer, the Governor General in Council will determine whether the Commission, so appointed, shall be placed under the control of any of the authorities above specified in the manner prescribed in Sections VII, XIII, and XIV, of the Regulation aforesaid, or shall act immediately under the authority of Government; and all Commissions, appointed as aforesaid, shall be guided by the instructions which they may receive in this behalf from the Governor General in Council.

The Commission when inſtructed to act immediately under the authority of Government ſhall ſubmit their proceedings directly to the Governor General in Council.

III. When the Commission shall be instructed to act immediately under the authority of Government, it shall submit directly to the Governor General in Council, (without the intervention of any of the authorities above specified,) the proceedings held, and documents received on the occasion, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and their opinion on the merits of the case, in like manner as they are now required to submit the same to the Sudder Dewanny Adawlut, and the Board of Revenue, Board of Commissioners, and Board of Trade respectively; and the Governor General in Council, after receiving the report and proceedings submitted by the Commissioners, will proceed in the case, in the same manner as if the said proceedings and report had been submitted by the Sudder Dewanny Adawlut, or one of the said Boards; Provided however, that if, in any case, on consideration of the proceedings and report of the Commissioners, it shall appear to the Governor General in Council necessary that further evidence be taken, or that a further explanation be given by the Commissioners, of their sentiments on any point connected with the case investigated by them, it shall be competent to the Governor General in Council to direct the Commissioners accordingly, and the Commissioners shall be authorized and required to take such further evidence, as far as the same may be attainable, and to furnish such further explanation as may be required.

And to apply to Government for any inſtructions which they may require.

IV. When a Commission may be instructed as aforesaid to act under the immediate authority of Government, such Commission shall apply to Government for any instructions which they may require in the execution of the duty intrusted to them, for which provision may not have been expressly made by Regulation XVII, 1813, or any other Regulation; and the Governor General in Council will pass such orders on the subject as may appear consonant to the general principles of equity and most conducive to the purposes of substantial justice. And in any case in which any doubt

doubt or difficulty may arise in the conduct of the investigation, for which it may appear advisable to make provision by a general regulation, the Commissioners shall be competent to prepare the draft of a regulation for the purpose, and to submit it to the Governor General in Council for his consideration and orders.

V. Provided however, that in any case wherein the Commissioners shall entertain doubts of the intent and meaning of any provisions of the Regulations which are or may be in force, they shall submit the point to the Court of Sudder Dewanny Adawlut for their consideration, and shall be guided by the determination passed by that Court.

Upon queſtions regarding the intent and meaning of any Regulations, the Commiſſioners to addreſs themſelves to the court of Sudder Dewanny Adawlut, and to be guided by their determination.

VI. Provided further, that whenever Government shall determine that the Commission to be appointed under the provisions of the Regulation above mentioned, shall not be placed under the control of the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, or the Board of Trade, such Commission shall in no case consist of less than two persons, one of whom at least shall, in all practicable cases, be selected from among the officers in the Judicial Department of the service.

The Commiſſion in no caſe to conſiſt of leſs than two perſons, one of whom to be ſelected from among the officers in the Judicial Department.

A. D. 1817. REGULATION IX.

A REGULATION for rescinding Regulation V, 1815:—Passed by the Vice-President in Council on the 22d of July 1817, corresponding with the 8th Sawun 1224 Bengal era; the 24th Sawun 1224 Fusly; the 9th Sawun 1224 Willaity; the 9th Sawun 1874 Sumbut; and the 7th Rumzaun 1232 Higeree.

THE objects contemplated by Government in enacting Regulation V, 1815, having been successfully accomplished by the restoration of public order and tranquillity in Pergunnah Bogree, in Zillah Midnapore, and by the apprehension and conviction on trial by the Court of Circuit and Nizamut Adawlut of the criminals principally concerned in resisting the authority of Government, and in the commission of acts of violence and outrage, the necessity which existed for suspending the operation of the general Regulations within the limits of that Pergunnah no longer exists; the Vice-President in Council has accordingly been pleased to enact the following rule, to take effect from the date of this Regulation.

Preamble.

II. Regulation V, 1815, is hereby rescinded.

Regulation V, 1815, reſcinded.

A. D. 1817. REGULATION X.

A REGULATION for the trial of persons charged with the commission of certain heinous offences in Kumaoon, and other tracts of Territory ceded to the Honourable the East India Company by the Rajah of Nepaul, and subject to the British Government:—Passed by the Vice-President in Council on the 22d July 1817; corresponding with the 8th Sawun 1224 Bengal era; the 24th Sawun 1224 Fusly; the 9th Sawun 1224 Willaity; the 9th Sawun 1874 Sumbut; and the 7th Ramzaun 1232 Higeree.

OF the territories ceded to the British Government by the Rajah of Nepaul, under the Treaty of Peace concluded on the 2d day of December 1815, many portions have been since restored to the Native Chiefs, to whose authority they were formerly subject, or have been transferred to the independent authority of other Native chieftains or powers. The portions of territory ceded by the Rajah of Nepaul, which have been retained under the authority and dominion of the British Government, are as follow: viz.

Preamble.

1st, The tract of country called Deyra Doon, heretofore forming a part of Gurhwal.

2d, The Province of Kumaoon.

3d, Jounsar, Bawur, Poondur, and Sundokh, and other small tracts of country situated between the rivers Jumna and Sutlege. By the provisions of Regu-

lation IV, 1817, the tract of country denominated Deyra Doon, has been formally annexed to the district of Seharunpore, and the laws and regulations in force in the latter district, have, with certain exceptions, been extended to the Deyra Doon: local circumstances however have rendered it inexpedient that a similar arrangement should at present be adopted in the province of Kumaoon, or in the reserved tracts of country situated between the rivers Jumna and Sutlege. The administration of the police, and of civil and criminal justice, with the management of the revenues, as well in Kumaoon, as in the several places last mentioned, is conducted by British officers, under instructions issued for their guidance by the Governor General in Council. Embarassment however having been experienced in the several places above mentioned from the want of a suitable tribunal for the trial of prisoners charged with offences of a heinous nature, the Vice-President in Council, with a view to provide for the due and deliberate investigation of charges of that nature, has been pleased to enact the following rules, to be in force from the period of their promulgation.

The British officers in charge of Kumaoon and other tracts of country ceded by the Rajah of Nepaul, not to award punishment against offenders charged with certain crimes of a heinous nature.

II. The British officers who now are, or hereafter may be, invested with the charge and superintendence of the police, and with the administration of criminal justice in the Province of Kumaoon, or in the several reserved tracts of territory situated between the rivers Jumna and Sutlege, are hereby prohibited from awarding punishment against any persons charged before them with having been concerned, either as principals or as accomplices, in the commission of the following offences, viz. murder, or any species of homicide, not manifestly accidental or justifiable; robbery by open violence, as defined in Section III, Regulation LIII, 1803; violent affrays attended with serious casualties or circumstances of aggravation, treason, or rebellion against the state.

Such offenders how to be proceeded against.

III. If any person subject to the jurisdiction of the British officers above alluded to, whether from local residence, or from the perpetration of a criminal act within the limits of the British territory under their respective superintendence, shall, on due and careful investigation, appear to have been concerned either as a principal or as an accomplice in the commission of any of the crimes above mentioned, such person shall be kept in close custody, and shall be committed to take his trial before a Commissioner, to be nominated and appointed for that purpose by the Governor General in Council.

Commissioner to be appointed by Government.

IV. It shall be the duty of the local officer, immediately on making the commitment, to report the circumstance to the Governor General in Council, who will take the necessary measures for nominating an experienced judicial officer as commissioner to hold trials of this nature, at such time and place as may appear proper, in each instance, or at such stated periods as may be found convenient.

Powers vested in the Commissioner.

V. In the conduct of the trial, the Commissioner will exercise the same powers as are vested in judges of circuit, and will be guided by the spirit and principles of the Regulations in force in the ceded and conquered provinces; provided, however, that it shall not be necessary that any law officer should attend the trial, or that any futwa should be required in such cases.

Commissioner authorized to release the prisoner, if not convicted.

VI. If the Commissioner should be of opinion that the crime charged against the prisoner is not established by the evidence, he shall issue his warrant for the release of the prisoner.

Commissioner to refer the case to the Court of Nizamut Adawlut, if the charge be proved.

VII. If the Commissioner shall consider the crime charged against the prisoner to be established, he shall either refer the case for the final sentence of the court of Nizamut Adawlut, or if the case be within the competence of judges of circuit, under the regulations in force in the ceded and conquered provinces, he shall issue his warrant for the punishment of the criminal.

With a report, and the proceedings on the case.

VIII. If the case shall be referred to the Nizamut Adawlut, it shall be the duty of the Commissioner to forward to that court a full report of the case, together with his own proceedings, and those of the officer by whom the commitment may have been made.

Court of Nizamut Adawlut to pass their final sentence.

IX. On receipt of the proceedings, the court of Nizamut Adawlut will, without requiring any futwa from their law officers, pass such a sentence or order as, on due consideration, they may deem proper and consistent with the spirit and principles of the regulations in force in the ceded and conquered provinces.

X. The

X. The sentence of the Nizamut Adawlut, whether for the release or punishment of the prisoners, shall be issued through the channel of the Commissioner who may have held the trial, and shall be duly enforced by the local British officer by whom the commitment may have been made, or who may at the time be intrusted with the management of the local police.

Sentence how to be carried into effect.

XI. *First.* Whenever a native subject of the British government, charged with having been concerned in the commission of a criminal offence within the territories of any independent state, or chieftain, situated in the vicinity of Kumaoon, or of the reserved tracts of country between the Jumna and Sutlege rivers, shall be apprehended by, or shall be delivered up to, the British officers invested with the charge of the police in those places respectively, the officers in question shall be deemed competent to investigate the charge, and to release or punish the accused under the general powers vested in them by the Governor General in council.

In what cases the local officers may take cognizance of crimes committed within the territories of independent states or chieftains.

Second. Provided however, that if the charge shall be of the nature of any of those described in Section II, of this Regulation, the local officers shall proceed in the manner directed in Sections III, and IV, of this Regulation, and the Commissioner who may be appointed to hold the trial, as well as the court of Nizamut Adawlut, shall in such cases be guided by the provisions of Sections V, VI, VII, VIII, IX, and X, of this Regulation.

The rules contained in certain sections of this Regulation to be considered applicable to such cases.

XII. It shall not be competent to the local officers intrusted with the administration of criminal justice in Kumaoon, and in the several reserved tracts of territory situated between the rivers Jumna and Sutlege, or to any Commissioners who may be appointed under this Regulation, or to the Nizamut Adawlut, to take cognizance of any crime or offence which may have been committed in any part of the tracts of country above adverted to, previously to the 15th May 1815, being the date of the convention by which they were surrendered to the honourable East India Company.

Crimes committed previously to the 15th May 1815, not cognizable by the British officers.

XIII. No part of the Regulations in force in the ceded and conquered provinces, by which the punishment of the crimes specified in Section II, of this Regulation, may be enhanced beyond the punishment ordinarily inflicted for such crimes, according to the former laws and usages in force in those tracts of country, shall be considered applicable to persons convicted of having committed those crimes previously to the promulgation of this Regulation.

Sentence how to be regulated with regard to offences committed between the 15th May 1815, and the period of the promulgation of this Regulation.

XIV. In cases however in which the penalties established by the regulations in force in the ceded and conquered provinces for murder or other species of homicide, robbery by open violence, violent affrays, attended with serious casualties or circumstances of aggravation, or for treason and rebellion against the state, may appear to be more lenient than those to which the offenders would have been subjected under the pre-existing laws and usages of Kumaoon, and of the reserved tracts of territory situated between the rivers Jumna and Sutlege, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 15th May 1815, and the period of the promulgation of this Regulation.

The preceding note likewise applicable to this section.

A. D. 1817. REGULATION XI.

A REGULATION for modifying certain parts of Regulations XIX, and XXXVII, 1793; and Regulations XLI, and XLII, 1795:—Passed by the Vice President in Council, on the 29th July 1817; corresponding with the 15th Sawun 1224 Bengal era; the 1st Sawun 1224 Fussily; the 16th Sawun 1224 Willaity; the 1st Sawun 1874 Sumbut; and the 14th Shabun 1232 Higeree.

WHEREAS under the rules contained in Regulations XIX, and XXXVII, 1793, and Regulations XLI, and XLII, 1795, the claims of Government to resume the revenue of lands held free of assessment under illegal or invalid tenures, are only cognizable in the courts of judicature, and great delays have occurred in the decision of suits, brought by collectors for the recovery of the public dues, from such lands:—and whereas the provison contained in Sections III, IV, V, VI, VII,

Preamble.

VIII, and IX, Regulation VIII, 1811, and the corresponding Sections of Regulation V, 1813, by which the decision of such cases, in the ceded and conquered provinces, is, in the first instance, vested with the revenue authorities, have been found productive of great advantage, both in facilitating the assertion of the just rights of Government in cases in which the public revenue has been unjustly withheld, and in relieving individuals holding lands free of assessment, by valid titles, from the disquiet of litigation:—and whereas it appears advisable to extend the said provisions to the several districts, placed under the authority of the Commissioner in Behar and Benares; the following Rules have therefore been enacted, to be in force from the date of their enactment, within the provinces of Behar and Benares, and in the districts of Bhaugulpore and Purneah.

Parts of the existing Regulations applicable to the provinces of Behar and Benares, and to the districts of Bhaugulpore and Purneah rescinded: and certain provisions extended to those Provinces and districts.

II. Sections XII, XIII, XIV, XVI, and XIX, Regulation XIX, and Sections VII, VIII, IX, XI, and XIV, Regulation XXXVII, 1793, in as far as they are applicable to the province of Behar, and the districts of Bhaugulpore and Purneah; and Sections XII, XIII, XIV, XVI, and XIX, Regulation XLI, and Sections VII, VIII, IX, XI, and XIV, Regulation XLII, 1795, are hereby rescinded; and the provisions contained in Sections III, IV, V, VI, VII, VIII, and IX, Regulation V, 1813, are hereby extended to the provinces of Behar and Benares, and the districts of Bhaugulpore and Purneah.

What powers and duties are to be exercised by the Commissioner in Behar and Benares.

III. The powers and duties vested by the provisions of the said Regulation in the Board of Revenue shall of course be held and exercised by the Commissioner in Behar and Benares, or other officer exercising the powers of the Board of Revenue in the provinces and districts above mentioned.

Certain suits preferred by the collectors in the provinces of Behar and Benares under the rules in force, to be withdrawn, and the investigation of them to proceed de novo.

IV. All suits which may have been preferred by the collectors in the provinces of Behar and Benares, and in the districts of Bhaugulpore and Purneah, for the resumption of the public revenue, under the provisions of Regulations XIX, and XXXVII, 1793, and Regulations XLI, and XLII, 1795, shall be withdrawn; and the revenue authorities shall proceed to the investigation and decision of the several cases in the same manner and with the same powers as if no suit had ever been preferred.

A. D. 1817. REGULATION XII.

A REGULATION for securing the better administration of the Office of Putwarry in the ceded and conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Puttaspore and its Dependencies:—Passed by the Vice-President in Council, on the 12th August 1817; corresponding with the 29th Sawun 1224 Bengal era; the 15th Sawun 1224 Fusly; the 30th Sawun 1224 Willaitee; the 15th Sawun 1874 Sumbut; and the 28th Ramzan 1232 Higeree.

Preamble.

THE existing Regulations regarding putwarries have been found to be in many respects defective, and great difficulties and delays have consequently been experienced in the division of estates, the adjustment of the revenue to be assessed on their respective shares, the investigation of summary and other suits for rents, the decision of disputes relating to the limits of estates and villages, and the execution of decrees of the Courts of Judicature, in regard to the possession and property of land; the reform of the office appears therefore to be an object of the highest importance; but as for the full attainment of that object the establishment of pergunnah canoongoes is also requisite, it is deemed advisable to confine the operation of the rules to be enacted for the above purpose to those parts of the country in which canoongoes are already established, or in which arrangements are in progress for the revival and organization of that office.—The following Rules have therefore been enacted, to be in force from the date of their promulgation, throughout the ceded and conquered provinces, the provinces of Behar and Benares, the district of Cuttack, the pergunnah of Puttaspore, and the several pergunnahs dependent on it:

Such of the Regulations in force, as relate to the appointment of Putwarries in certain divisions of the country, rescinded.

II. Section LXII, Regulation VIII, 1793, Section III, Regulation IV, 1794, Section IX, Regulation XXVII, 1795, and Regulation XXIX, 1803, and such parts of Clause IV, Section XXIII, Regulation VII, 1799, Section XXV, Regulation V, 1800, Section VIII, Regulation I, 1801, as refer to the appointment of putwarries,

putwarries, are hereby rescinded in so far as regards the above-mentioned divisions of the country.

III. Every village paying or liable to pay the public revenue shall have a separate putwarry, except in cases where the Board of Revenue, or other authority exercising the power of that Board shall, in consideration of former usage or other sufficient cause, authorize one putwarry to do the duty of two or more villages, or direct two or more putwarries to be established in a single village.

Every village to have a separate putwarry, unless where otherwise directed by the Superintending Revenue Authorities.

IV. All persons at present holding the office of putwarry are to be continued in their situations, subject to removal under the Rules hereinafter prescribed. And all zemindars or other proprietors of any village or villages, paying revenue to Government, or farmers engaging with Government for the public revenue, shall, within three months from the promulgation of this Regulation, transmit to the collector of the district a statement showing the name or names of such village and villages, with the name or names of the putwarry or putwarries of such village or villages.

Putwarries now in office to be continued in their situations, subject to removal under the rules prescribed by this Regulation.

Zemindars within a limited period to furnish the collectors with the names of villages, and of the putwarries attached to them.

V. In like manner where any village or villages paying revenue to Government shall at present have no putwarry established therein, the zemindar or other landholder or farmer of such village or villages, engaging with Government for the public revenue, shall proceed to nominate a putwarry or putwarries for such village or villages, and shall report such nomination to the collector of the district within three months of the promulgation of this regulation.

How zemindars or landholders are to proceed in the nomination of putwarries for villages where none have been established.

VI. The collectors shall, as soon as practicable, prepare a register of the putwarries in their respective districts, showing the name of each individual, and the village or villages in which he officiates.

Register of putwarries to be prepared by the Collectors.

VII. Whenever a vacancy may occur in the office of putwarry, such vacancy shall be filled on the nomination of the zemindar, or other landholder or farmer, engaging with Government for the public revenue, who is hereby enjoined to report such nomination to the collector of the district within one month after the vacancy has taken place, provided, however, that in such nomination the zemindar or other landholder or farmer shall be generally guided by the custom which may heretofore have prevailed in the village in respect to the succession of putwarries, and shall not deviate therefrom without previously obtaining the sanction of the collector; and it shall be the duty of the collectors carefully to see that this rule is observed, and particularly that the just rights of the inferior putteedars, or sharers in joint undivided estates, and of dependant talookdars, or other under-tenants of the lands, as connected with the appointment of putwarries, are duly maintained.

Vacancies in the office of putwarry to be filled up, on the nomination of the zemindar, &c.

Which is to be made within one month after the vacancy has taken place.

Rules to be observed by the zemindar, &c. in the nomination of putwarries.

VIII. On receiving the report of the nomination of a putwarry, as directed to be made in the foregoing Section, the collector is to insert the name of the party in the register of putwarries for his district, unless he shall see good and sufficient ground to object to the person so nominated as disqualified for the office,—in which case he is immediately to submit his objections to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, and the Board or Commissioner will decide whether the zemindar or farmer shall be called upon to nominate another person, or pass such other order on the question as may appear just and right.

How the Collector is to proceed on receiving the nomination of a putwarry.

IX. The proprietors of joint and undivided estates engaging jointly for the public revenue, shall be considered jointly and severally bound to furnish the collector with the statement required in Section IV, and to nominate a putwarry in the mode prescribed in Sections V and VII of this Regulation, or to show sufficient cause for their failing to do so.

Rules regarding putwarries, in joint and undivided estates.

X. In estates held khas, and in estates under the superintendence of the Court of Wards, the putwarry shall be appointed by the collector.

Rules regarding putwarries in Khas estates.

XI. Should any zemindar, or other proprietor or farmer, refuse or omit to furnish the statement required by Section IV, or to nominate a putwarry in the cases provided for in Sections V and VII of this Regulation within the time prescribed in those Sections, and shall fail to show good cause for such neglect or failure, it shall be competent to the collector, with the approval of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, to

Penalty in cases of refusal or omission to comply with the prescribed rules.

levy a daily fine upon him, until a putwarry is nominated, or with such approval himself to nominate a qualified person for the office.

Zemindars how to proceed whenever they may wish to remove a putwarry from office.

XII. Whenever a zemindar, or farmer engaging with Government for the public revenue, may wish to remove a putwarry from office, he is to state his reasons for so doing to the collector of the district, who, if they appear good and sufficient, will authorize the removal of the putwarry, but not otherwise.

Penalties for removing a putwarry from office without authority.

XIII. Any zemindar, or other landholder or farmer of land, removing a putwarry from office without the authority of the collector, obtained in the mode prescribed in the preceding Section, shall be punished by a fine not exceeding fifty Rupees for the first offence, and one hundred Rupees for the second offence; and if it should appear, on investigation by the collector, that the removal was unjust, and without sufficient cause, the said zemindar, or other landholder, or farmer of land, shall be further subject to a daily fine, with the approbation of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, but not otherwise, until the putwarry be restored.

Putwarries may be removed on sufficient grounds, on the representation of the under tenants.

XIV. Whenever the inferior putteedars or sharers, or the ryots or under-tenants of a village, may petition the collector for the removal of a putwarry, the collector shall direct such removal, and shall call upon the zemindar, or other landholder, or farmer of land, engaging with Government for the public revenue, to appoint another putwarry, provided the reasons adduced for praying such removal appear to the collector good and sufficient, but not otherwise.

Rule of proceeding on occasions when the Collector may desire the removal of a putwarry.

XV. Whenever a collector shall see ground to desire the removal of a putwarry for neglect of duty, or other sufficient cause, he is to state his reasons to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, who will authorize the removal or not, as may seem proper.

Specification of duties to be performed by the putwarries.

XVI. The duties of the putwarry shall be,

1st—To keep such registers and accounts relating to the village or villages to which he is appointed, in such manner and form as has heretofore been the custom, or in such other mode as may be hereafter prescribed by the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, together with such further registers and accounts as may be directed by those authorities respectively.

2nd—To prepare and deliver to the canoongoe of the pergunnah, at the expiration of every six months, a complete copy of the aforesaid accounts, showing distinctly the produce of the Khurreef and Rubbee harvests.

3d—To perform all other duties and services which it has been customary for him to execute.

The superintending revenue authorities to determine on the mode of transmitting and recording the putwarries accounts.

XVII. The Board of Revenue, Board of Commissioners, or Commissioner in Behar and Benares, will determine on the mode in which the accounts, rendered by the putwarry to the canoongoe, shall be brought forward by the latter, and recorded in the office of the collectors.

Rules for the payment of putwarries, and for the adjustment of their allowances in certain cases.

XVIII. The putwarry is to be paid hereafter in the same mode as he is now paid, whether in money, or in grain, or in land, or in any other legal manner whatsoever; but it shall be the duty of the several collectors to complete an account of the mode in which such payment is made, in the different pergunnahs, or other local division of their districts, and to submit the result of their researches to the Board of Revenue, or other authority exercising the powers of that Board; and it shall be competent to the Board of Revenue, or other authority aforesaid, with the sanction of the Governor General in Council, to increase or reduce the amount of remuneration paid to the putwarries, and to alter or modify the mode of its payment, in any case in which sufficient cause for the adoption of such a measure shall exist.

Remuneration to be paid to putwarries in villages where none are now appointed.

XIX. Where no putwarry has hitherto been appointed, the amount of the remuneration to the putwarry who may be appointed under this Regulation, and the mode of its payment, shall be regulated by the collector, with reference to the usage of the adjoining villages.

Rule of proceeding in cases where payment of the established re-

XX. If the remuneration which a putwarry has heretofore regularly received, or which may be assigned to him by the collector, or other competent revenue authority, be

be denied to him by the parties who have hitherto paid it, or who may have been directed to pay it by the said authority, he is at liberty to complain against the person so withholding his dues to the collector, who will proceed to an immediate investigation of the facts, and decide according to the usage of the village; and the collector is hereby authorized to compel payment of the amount due to the putwarry, and to fine the offending party according to his situation and circumstances in life, provided always that the fine in no instance exceed fifty rupees.

Remuneration to a putwarry may be refused.

Collector empowered to compel payment, and to fine the offending party.

XXI. In all cases in which the decision of the collector is to be governed by usage, it shall be made an invariable rule to insert in the original proceedings on the case the attested report of the canoongoes of the pergunnah, as to the custom or usage in reference.

The local usage of the pergunnah to be reported by the pergunnah canoongoe.

XXII. Collectors of land revenue are hereby empowered to summon the putwarry of any village or villages within their respective districts, whenever there may be occasion for his attendance, on any matter connected with the duties of his office, and to require him to produce all accounts relating to the lands, produce, rents, collections and charges of the village or villages, the accounts of which may be kept by him; and to examine him on oath to the truth of such accounts, and on any other matters relating to such accounts, or regarding the lands, produce, rents, collections, and charges of the village or villages to which the said putwarry may belong.—When a collector shall require the attendance of a putwarry for the purpose above stated, he is to serve such putwarry with a written notice under his official seal and signature, stating the purpose for which his attendance is required, and the papers (if any) which he is to bring with him.

Collector empowered to summon a putwarry when necessary.

And to examine him on oath to the truth of his accounts.

Form of the notice to be issued on such occasions.

XXIII. If any putwarry shall neglect or omit to produce his original accounts on the requisition of a collector, or to give his evidence respecting them, the collector is hereby authorized and empowered to cause the said putwarry to be apprehended, and to order him to be confined in the dewanny jail of the district until he produce his accounts, or show sufficient cause for not producing them. In such cases the putwarry shall be sent by the collector with a roobukaree to the judge of the city or zillah, stating the purport of the order passed against him, and the judge shall, on those grounds, commit the putwarry to jail, and detain him until he produce the accounts, or until the collector applies for his release.

Powers vested in the collector to compel the putwarries to produce their accounts.

Process to be observed on such occasions.

XXIV. In like manner putwarries shall produce all accounts relating to the lands, produce, collections and charges of the village or villages, the accounts of which may be kept by them respectively, and furnish every information and explanation that may be required regarding them, whenever they may be required by any court of justice, in any suit that may be depending before the court; and if any putwarry shall neglect or omit to attend with his accounts when required, for the adjustment of any matter or dispute depending in court, the courts are authorized to order such putwarry to be committed to close custody until he produce the accounts, or show sufficient cause for not having produced them.

Putwarries to produce their accounts when required by the courts of justice.

Penalty in cases where a putwarry may neglect or omit to attend with his accounts.

XXV. In any case in which a collector of land revenue shall have occasion to depute an officer to examine the accounts of any village or villages, he is authorized to require the putwarries to attend such officer, and the collector is further empowered to grant to such officer a Commission to swear the several putwarries whose accounts are to be inspected, inserting in the Commission the name of each putwarry to be sworn; and if any such putwarry shall neglect or refuse to attend such officer with his accounts, or to give his evidence respecting them, when duly required to do so by a written notice from the collector, the collector is hereby authorized and empowered to proceed against such putwarry, in the same mode as if he had refused or neglected to attend, or to give his evidence before the collector himself.

Collectors empowered to require the attendance of putwarries on officers deputed to examine village accounts.

And to grant a commission to swear putwarries.

Penalty in case a putwarry shall neglect or refuse to attend on deputed officer.

XXVI. Any putwarry giving intentionally and deliberately a false deposition on oath, when examined before a collector, or the officer of a collector duly empowered to take his examination relative to the lands, produce, collections and charges of the village or villages to which he belongs, shall be held and considered guilty of perjury, and shall be liable on conviction before a Court of Circuit to the penalties which are or may be prescribed for that offence in the Regulations; and any person causing or procuring a putwarry to commit the offence of perjury as above described, is hereby declared guilty of subornation of perjury, and punishable under the provisions of the Regulations.

Putwarries giving deliberately a false deposition on oath declared guilty of perjury, and on conviction before a court of circuit liable to the prescribed punishment.

And persons causing or procuring a putwarry to commit perjury declared punishable as suborners of perjury.

Putwarries falſifying or mutilating the village accounts, liable to the preſcribed puniſhment of forgery.

XXVII. In like manner, any putwarry who shall alter, fabricate, falsify or mutilate the accounts of the village to which he belongs, or shall furnish to the canoongoe or collector false, fabricated or mutilated copies of those accounts, shall be held and considered guilty of forgery, and shall be liable, on conviction before a Court of Circuit to the penalties which are or may be prescribed for that offence in the Regulations; and any person who shall cause or procure any such forgery shall be liable to the same penalties, as those convicted of having actually committed the offence.

Certain rules in the exiſting Regulations declared ſtill in force, unleſs diſtinctly reſcinded, altered, or modified by this Regulation.

XXVIII. The several rules in the existing Regulations, by which proprietors and farmers of lands sold, or ordered to be sold or divided, or under attachment, are required to attend or cause their officers to attend the collectors, or officers deputed by a collector, with the accounts relating to such lands, and by which such landholders and farmers, and their agents, are declared responsible for the fidelity and accuracy of such accounts, are to be held and considered in full force, unless where they may be distinctly rescinded, altered or modified by this Regulation.

Collectors empowered to require the attendance of all native agents of proprietors whoſe eſtates are about to be ſold, transferred or divided.

XXIX. In like manner, whenever an estate, or the portion of an estate, may be directed to be disposed of at public sale, or may be transferred by the private act of the proprietor or proprietors, or when an estate may be divided pursuant to a decree of a Court of Judicature, or at the request of one or more of the proprietors, or when an estate or portion of an estate may be under attachment, the collector shall be authorized to require the attendance of all descriptions of native agents employed by the proprietors or farmers of such estates or farms, in the management of their lands, or keeping the accounts relating to them, and to examine or cause to them to be examined on oath, touching such accounts, in the same manner as he is authorized by Sections XXII, and XXV, of this Regulation, to require the attendance and to take or cause to be taken the examination of putwarries; and if such agents shall refuse or neglect to attend the collector or his officer, when their attendance may be duly required, or to give their evidence, the collector is authorized and empowered to proceed against them in the same manner as is prescribed in the case of putwarries refusing or neglecting to attend.

And may cauſe them to be examined on oath touching the accounts of thoſe lands.

Penalty if ſuch agents ſhall refuſe or neglect to attend on the collector.

Rules contained in Sections XXVI and XXVII, declared applicable to all ſuch native agents.

XXX. Provided further, that the rules contained in Sections XXVI and XXVII, shall be held and considered applicable to all such native agents employed by proprietors or farmers of land, in the management of their estates or farms, or in keeping the accounts relating to them,

How a collector is to proceed in caſes not provided for by this Regulation, whenever he may require the attendance of proprietors or farmers with their accounts.

XXXI. Whenever a collector of land revenue, or other officer vested with the powers of a collector, may in any case connected with his public duty, but not provided for in this or any other Regulation in force, have occasion to require the attendance of a zemindar, or other proprietor or farmer of lands, or of the gomashtah, or other officer or agent of such proprietor or farmer, with the accounts of such lands, he shall report the circumstance to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, according as he may be, subject to one or the other of those authorities, and the Boards, and Commissioner aforesaid, are hereby empowered to grant authority to the collector or other officer aforesaid, to require the attendance of the proprietor or farmer, or of the gomáshtah or other officer or agent, with all accounts relating to the lands in their possession or management.

Collector how to proceed on ſuch occaſions.

XXXII. A written notice shall in such cases be issued by the collector or other officer to the party whose attendance is required, stating the purpose for which he is summoned, and the papers (if any) which he is to bring with him; and if the proprietor or farmer shall omit or refuse to attend, or cause his officer or agent to attend by the time prescribed in the collector's requisition, with the accounts and information required, the Board of Revenue, Board of Commissioners, and Commissioner in Behar and Benares, (as the case may be,) are authorized and empowered to impose upon him such daily fine, to be payable daily until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine when confirmed by Government is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Penalty for omitting or refuſing to attend when ſummoned.

Under what proceſs ſuch penalty is to be levied.

Proviſion in caſes where the appointment of village putwarries may be conſidered inexpedient.

XXXIII. In cases, in which from local or other sufficient causes, it may appear impracticable or inexpedient to cause the appointment in any estate or farm of putwarries, in the mode prescribed in this Regulation, as for instance in certain estates consisting

consisting chiefly of hills and forests in the south-western frontier, and in very small mehauls, the accounts of which are kept by the proprietors themselves, it shall be competent to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, to suspend its operation in such estates, or farms; provided however that in all such cases the person by whom the village accounts are kept, whether proprietor or farmer, or gomashtah or other officer, shall furnish the canoongoe of the pergunnah with such accounts and statements as the collector, with the approval of the Board, or Commissioner, may direct, and shall be subject to the provisions contained in Sections XXII, XXIII, XXIV, XXV, XXVI, and XXVII, of this Regulation, and the proprietors or others by whom they may be employed shall likewise be subject to the provisions contained in Sections XXVI, and XXVII.

XXXIV. No court of judicature shall take cognizance of the complaint of a putwarry against the landholder, or the tenants of a village, for refusing to remunerate his labours, nor shall any court of judicature take cognizance of any complaint against a collector, for, or on account of, any decision passed by him in virtue of the powers with which he is vested by this Regulation.

In what cases the courts of justice are prohibited from taking cognizance of the complaints of putwarries.

XXXV. It shall be the duty of the collectors to furnish the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, with a periodical report of all judgments passed by them under Section XX of this Regulation, and such judgments shall be liable to reversal or alteration by the Board, or Commissioner, at any time within six months after the passing the same, but not later.

Collectors to furnish a periodical report of all judgments passed under Section XX of this Regulation.

Such judgments declared liable to reversal or alteration by the Board or Commissioner within six months.

XXXVI. All sums adjudged by the collector in favour of a putwarry, under Section XX, and all fines directed to be levied by this Regulation, shall be recoverable by the same processes as arrears of the public revenue, and all such fines when recovered shall be carried to the account of Government.

How sums adjudged and fines levied under the provisions of this Regulation, are to be recovered.

All fines to be credited to Government.

A.D. 1817. REGULATION XIII.

A REGULATION for establishing the office of Canoongoe in the District of Midnapore, and in the Mehals subject to the Authority of the Collector of Hidgellee, and for extending to the said District and Mehals the operation of Regulation XII. 1817:—Passed by the Vice-President in Council on the 26th August 1817; corresponding with the 12th Bhadon 1224 Bengal era; the 29th Sawun 1224 Fusily; the 13th Bhadon 1224 Willaity; the 15th Sawun 1874 Sumbut; and the 12th Sawal 1232 Higeree.

WHEREAS by Regulation V, 1816, provision is made for the establishment of the office of canoongoe in the pergunnah of Puttaspore and its dependencies: and whereas it has appeared expedient to establish the said office generally throughout the mehals subject to the authority of the collector of Hidgellee, and in the district of Midnapore: and whereas it is likewise advisable to extend to the said district and mehals the operation of Regulation XII, 1817, the following Rules have been enacted, to be in force from the 1st September 1817.

Preamble.

II. Canoongoes shall be appointed in the districts above mentioned, by the collectors of Hidgellee and Midnapore respectively, in the same manner and for the performance of the same duties as are prescribed in Regulation V, 1816, in regard to the district of Cuttack, the pergunnah of Puttaspore and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended to the district of Midnapore, and to the mehals subject to the Collector of Hidgellee, as far as they may be applicable to those districts.

Canoongoes to be appointed in the district of Midnapore, and in the Mehals subject to the collector of Hidgellee.

III. The provisions of Regulation XII, 1817, are hereby extended to the district of Midnapore, and the mehals subject to the collector of Hidgellee.

Provisions of Regulation XII, 1817, extended to Midnapore, and to the Mehals subject to the collector of Hidgellee.

A. D. 1817. REGULATION XIV.

A REGULATION for amending certain Parts of Regulation II, 1812:—Passed by the Vice-President in Council on the 9th September 1817, corresponding with the 26th Bhadoon 1224 Bengal era; the 14th Bhadoon 1224 Fussly; the 17th Bhadoon 1224 Willaity; the 13th Bhadoon 1874 Sumbut; and the 26th Sawul 1232 Higeree.

Preamble.

WHEREAS it has been found that some inaccuracies of calculation exist in the table N° 2, annexed to Regulation II, 1812, by which the produce of gold bullion is calculated in the Calcutta mint; the following Rules have been enacted, to be in force from the date of their promulgation.

Such part of Regulation II, 1812, as relates to table No. 2, annexed to that Regulation, rescinded.

II. So much of Regulation II, of 1812, as relates to the table of the produce of gold bullion in the Calcutta mint, annexed to that Regulation, is hereby rescinded.

The table of the produce of gold bullion annexed to this Regulation, to be in force in lieu of the table No. 2, alluded to in the preceding section.

III. Instead of the table referred to in the above Section, the assay produce, duties and net produce of gold bullion delivered for coinage into the Calcutta mint, shall be hereafter calculated agreeably to the table annexed to this Regulation, and the certificates granted by the assay-master shall be made out accordingly.

TABLE OF THE PRODUCE OF GOLD BULLION IN THE CALCUTTA MINT.

Sicca Weight.	Assay, per cent.	Deduction for worseness.	Allowance for the refining charges.	Total reduction.	Standard quantity.	Assay produce, gold mohurs.	Duty, at 2½ per cent.	Net produce gold mohurs.
100	5/8 Br.	0 756	- - -	- - -	100 756	94 829	2 371	92 458
—	1/2 Br.	0 630	- - -	- - -	100 630	94 711	2 368	92 343
—	3/8 Br.	0 504	- - -	- - -	100 504	94 592	2 365	92 227
—	1/4 Br.	0 378	- - -	- - -	100 378	94 473	2 362	92 111
—	1/8 Br.	0 252	- - -	- - -	100 252	94 355	2 359	91 996
—	Standard.	0 126	- - -	- - -	100 126	94 236	2 350	91 880
—	1/8 Wo.	0 126	- - -	0 126	100 0	94 118	2 353	91 765
—	1/4 Wo.	0 252	0 5	0 752	99 874	93 999	2 350	91 649
—	3/8 Wo.	0 378	0 5	0 878	99 248	93 410	2 335	91 075
—	1/2 Wo.	0 504	0 5	1 004	99 122	93 291	2 332	90 959
—	5/8 Wo.	0 630	0 5	1 130	98 996	93 173	2 329	90 844
—	3/4 Wo.	0 756	0 5	1 256	98 870	93 054	2 326	90 728
—	7/8 Wo.	0 882	0 5	1 382	98 744	92 936	2 323	90 613
—	1 Wo.	1 008	0 5	1 508	98 618	92 817	2 320	90 497
—	1 1/4 Wo.	1 260	0 5	1 760	98 492	92 698	2 317	90 381
—	1 1/2 Wo.	1 512	0 5	2 012	98 240	92 461	2 311	90 150
—	1 3/4 Wo.	1 764	0 5	2 264	97 988	92 224	2 306	89 918
—	2 Wo.	2 016	0 5	2 516	97 736	91 987	2 300	89 687
—	2 1/4 Wo.	2 268	0 5	2 768	97 484	91 750	2 294	89 456
—	2 1/2 Wo.	2 520	0 5	3 020	97 232	91 512	2 288	89 224
—	2 3/4 Wo.	2 772	0 5	3 272	96 980	91 275	2 282	88 993
—	3 Wo.	3 024	0 5	3 524	96 728	91 038	2 276	88 762
—	3 1/4 Wo.	3 275	0 5	3 775	96 476	90 801	2 270	88 531
—	3 1/2 Wo.	3 526	0 5	4 026	96 225	90 565	2 264	88 301
—	3 3/4 Wo.	3 778	0 5	4 278	95 974	90 328	2 258	88 070
—	4 Wo.	4 030	0 5	4 530	95 722	90 091	2 252	87 839
—	4 1/4 Wo.	4 282	0 5	4 782	95 470	89 854	2 246	87 608
—	4 1/2 Wo.	4 534	0 5	5 034	95 218	89 617	2 240	87 377
—	4 3/4 Wo.	4 786	0 5	5 286	94 966	89 380	2 235	87 145
—	5 Wo.	5 038	0 5	5 538	94 714	89 143	2 228	86 915
—	5 1/4 Wo.	5 290	1 0	6 290	94 462	88 905	2 223	86 682
—	5 1/2 Wo.	5 541	1 0	6 541	93 710	88 198	2 205	85 993
—	5 3/4 Wo.	5 793	1 0	6 793	93 459	87 961	2 199	85 762
—	6 Wo.	6 045	1 0	7 045	93 207	87 724	2 193	85 531
—	6 1/4 Wo.	6 297	1 0	7 297	92 955	87 487	2 187	85 300
—	6 1/2 Wo.	6 549	1 0	7 549	92 703	87 250	2 181	85 069
—	6 3/4 Wo.	6 801	1 0	7 801	92 451	87 013	2 175	84 838
—	7 Wo.	7 053	1 0	8 053	92 199	86 776	2 169	84 607
					91 947	86 538	2 163	84 375

Sicca Weight.	Assay, per cent.	Deduction for worseness.	Allowance for the refining charges.	Total reduction.	Standard quantity.	Assay produce, gold mohurs.	Duty, at 2½ per cent.	Net produce, gold mohurs.
100	7 ¼ Wo.	7 305	1 0	8 305	91 695	86 301	2 158	84 143
—	7 ½ Wo.	7 557	1 0	8 557	91 443	86 064	2 152	83 912
—	7 ¾ Wo.	7 809	1 0	8 809	91 191	85 827	2 146	83 681
—	8 Wo.	8 060	1 0	9 060	90 940	85 591	2 140	83 451
—	8 ¼ Wo.	8 312	1 0	9 312	90 688	85 353	2 134	83 219
—	8 ½ Wo.	8 564	1 0	9 564	90 436	85 116	2 128	82 988
—	8 ¾ Wo.	8 816	1 0	9 816	90 184	84 879	2 122	82 757
—	9 Wo.	9 068	1 0	10 068	89 932	84 642	2 116	82 526
—	9 ¼ Wo.	9 320	1 0	10 320	89 680	84 405	2 110	82 295
—	9 ½ Wo.	9 572	1 0	10 572	89 428	84 168	2 104	82 064
—	9 ¾ Wo.	9 824	1 0	10 824	89 176	83 930	2 098	81 832
—	10 Wo.	10 075	1 0	11 075	88 925	83 694	2 092	81 602
—	10 ¼ Wo.	10 327	1 5	11 827	88 173	82 986	2 075	80 911
—	10 ½ Wo.	10 579	1 5	12 079	87 921	82 749	2 069	80 680
—	10 ¾ Wo.	10 831	1 5	12 331	87 669	82 512	2 063	80 449
—	11 Wo.	11 083	1 5	12 583	87 417	82 275	2 057	80 218
—	11 ¼ Wo.	11 335	1 5	12 835	87 165	82 038	2 051	79 987
—	11 ½ Wo.	11 587	1 5	13 087	86 913	81 800	2 045	79 755
—	11 ¾ Wo.	11 839	1 5	13 339	86 661	81 563	2 039	79 524
—	12 Wo.	12 091	1 5	13 591	86 409	81 326	2 033	79 293
—	12 ¼ Wo.	12 342	1 5	13 842	86 158	81 090	2 027	79 063
—	12 ½ Wo.	12 594	1 5	14 094	85 906	80 853	2 021	78 832
—	12 ¾ Wo.	12 846	1 5	14 346	85 654	80 616	2 015	78 601
—	13 Wo.	13 098	1 5	14 598	85 402	80 378	2 009	78 369
—	13 ¼ Wo.	13 350	1 5	14 850	85 150	80 141	2 094	78 137
—	13 ½ Wo.	13 602	1 5	15 102	84 898	79 904	1 998	77 906
—	13 ¾ Wo.	13 854	1 5	15 354	84 646	79 667	1 992	77 675
—	14 Wo.	14 106	1 5	15 606	84 394	79 430	1 986	77 444
—	14 ¼ Wo.	14 358	1 5	15 858	84 142	79 193	1 980	77 213
—	14 ½ Wo.	14 610	1 5	16 110	83 890	78 955	1 974	76 981
—	14 ¾ Wo.	14 862	1 5	16 362	83 638	78 718	1 968	76 750
—	15 Wo.	15 113	1 5	16 613	83 387	78 482	1 962	76 520
—	15 ¼ Wo.	15 365	2 0	17 365	82 635	77 774	1 944	75 830
—	15 ½ Wo.	15 617	2 0	17 617	82 383	77 537	1 938	75 599
—	15 ¾ Wo.	15 869	2 0	17 869	82 131	77 300	1 932	75 367
—	16 Wo.	16 121	2 0	18 121	81 879	77 063	1 927	75 136
—	16 ¼ Wo.	16 373	2 0	18 373	81 627	76 826	1 921	74 905
—	16 ½ Wo.	16 625	2 0	18 625	81 375	76 588	1 915	74 673
—	16 ¾ Wo.	16 876	2 0	18 876	81 124	76 352	1 909	74 443
—	17 Wo.	17 128	2 0	19 128	80 872	76 115	1 903	74 212
—	17 ¼ Wo.	17 380	2 0	19 380	80 620	75 878	1 897	73 981
—	17 ½ Wo.	17 632	2 0	19 632	80 368	75 640	1 891	73 749
—	17 ¾ Wo.	17 884	2 0	19 884	80 116	75 403	1 885	73 518
—	18 Wo.	18 136	2 0	20 136	79 864	75 166	1 879	73 287
—	18 ¼ Wo.	18 388	2 0	20 388	79 612	74 929	1 873	73 056
—	18 ½ Wo.	18 640	2 0	20 640	79 360	74 692	1 867	72 825
—	18 ¾ Wo.	18 892	2 0	20 892	79 108	74 455	1 861	72 594
—	19 Wo.	19 144	2 0	21 144	78 856	74 218	1 855	72 363
—	19 ¼ Wo.	19 395	2 0	21 395	78 605	73 981	1 849	72 132
—	19 ½ Wo.	19 647	2 0	21 647	78 353	73 744	1 844	71 900
—	19 ¾ Wo.	19 899	2 0	21 899	78 101	73 507	1 838	71 669
—	20 Wo.	20 151	2 0	22 151	77 849	73 270	1 832	71 438
—	20 ¼ Wo.	20 403	2 5	22 903	77 097	72 562	1 814	70 748
—	20 ½ Wo.	20 655	2 5	23 155	76 845	72 325	1 808	70 517
—	20 ¾ Wo.	20 907	2 5	23 407	76 593	72 088	1 802	70 286
—	21 Wo.	21 159	2 5	23 659	76 341	71 850	1 796	70 054
—	21 ¼ Wo.	21 410	2 5	23 910	76 090	71 614	1 790	69 824
—	21 ½ Wo.	21 662	2 5	24 162	75 838	71 377	1 784	69 593
—	21 ¾ Wo.	21 914	2 5	24 414	75 586	71 140	1 778	69 362
—	22 Wo.	22 166	2 5	24 666	75 334	70 903	1 772	69 131
—	22 ¼ Wo.	22 418	2 5	24 918	75 082	70 665	1 767	68 898
—	22 ½ Wo.	22 670	2 5	25 170	74 836	70 428	1 761	68 667
—	22 ¾ Wo.	22 922	2 5	25 422	74 578	70 191	1 755	68 436
—	23 Wo.	23 174	2 5	25 674	74 326	69 954	1 749	68 205
—	23 ¼ Wo.	23 426	2 5	25 926	74 074	69 717	1 743	67 974
—	23 ½ Wo.	23 678	2 5	26 178	73 822	69 480	1 737	67 743
—	23 ¾ Wo.	23 929	2 5	26 429	73 571	69 243	1 731	67 512
—	24 Wo.	24 181	2 5	26 681	73 319	69 006	1 725	67 281
—	24 ¼ Wo.	24 433	2 5	26 933	73 067	68 769	1 719	67 050
—	24 ½ Wo.	24 685	2 5	27 185	72 815	68 532	1 713	66 819
—	24 ¾ Wo.	24 937	2 5	27 437	72 563	68 295	1 707	66 588
—	25 Wo.	25 189	2 5	27 689	72 311	68 057	1 701	66 356
—	25 ¼ Wo.	25 441	3 0	28 441	71 559	67 350	1 684	65 666

Sicca Weight.	Assay, per cent.	Deduction for worseness.	Allowance for the refining charges.	Total reduction.	Standard quantity.	Assay produce, gold mohurs.	Duty, at 2½ per cent.	Net produce, gold mohurs.
100	25 ½ Wo.	25 693	3 0	28 693	71 367	67 112	1 678	65 434
—	25 ¾ Wo.	25 945	3 0	28 945	71 055	66 876	1 672	65 204
—	26 Wo.	26 196	3 0	29 196	70 804	66 639	1 666	64 973
—	26 ¼ Wo.	26 448	3 0	29 448	70 552	66 402	1 660	64 742
—	26 ½ Wo.	26 700	3 0	29 700	70 300	66 165	1 654	64 511
—	26 ¾ Wo.	26 952	3 0	29 952	70 048	65 928	1 648	64 280
—	27 Wo.	27 204	3 0	30 204	69 796	65 690	1 642	64 048
—	27 ¼ Wo.	27 456	3 0	30 456	69 544	65 453	1 636	63 817
—	27 ½ Wo.	27 708	3 0	30 708	69 292	65 216	1 630	63 586
—	27 ¾ Wo.	27 960	3 0	30 960	69 040	64 979	1 624	63 355
—	28 Wo.	28 212	3 0	31 212	68 788	64 742	1 618	63 124
—	28 ¼ Wo.	28 463	3 0	31 463	68 537	64 505	1 613	62 892
—	28 ½ Wo.	28 715	3 0	31 715	68 285	64 268	1 607	62 661
—	28 ¾ Wo.	28 967	3 0	31 967	68 033	64 031	1 601	62 430
—	29 Wo.	29 219	3 0	32 219	67 781	63 794	1 595	62 199
—	29 ¼ Wo.	29 471	3 0	32 471	67 529	63 557	1 589	61 968
—	29 ½ Wo.	29 723	3 0	32 723	67 277	63 320	1 583	61 737
—	29 ¾ Wo.	29 975	3 0	32 975	67 025	63 082	1 577	61 505
—	30 Wo.	30 227	3 0	33 227	66 773	62 845	1 571	61 274
—	30 ¼ Wo.	30 479	3 5	33 979	66 021	62 137	1 553	60 584
—	30 ½ Wo.	30 730	3 5	34 230	65 770	61 901	1 547	60 354
—	30 ¾ Wo.	30 982	3 5	34 482	65 518	61 664	1 542	60 122
—	31 Wo.	31 234	3 5	34 734	65 266	61 427	1 536	59 891
—	31 ¼ Wo.	31 486	3 5	34 986	65 014	61 190	1 530	59 660
—	31 ½ Wo	31 738	3 5	35 238	64 762	60 952	1 524	59 428
—	31 ¾ Wo.	31 990	3 5	35 490	64 510	60 715	1 518	59 197
—	32 Wo.	32 242	3 5	35 742	64 258	60 478	1 512	58 966
—	32 ¼ Wo.	32 494	3 5	35 994	64 006	60 241	1 506	58 735
—	32 ½ Wo.	32 746	3 5	36 246	63 754	60 004	1 500	58 504
—	32 ¾ Wo.	32 997	3 5	36 497	63 503	59 768	1 494	58 274
—	33 Wo.	33 249	3 5	36 749	63 251	59 530	1 488	58 042
—	33 ¼ Wo.	33 501	3 5	37 001	62 999	59 293	1 482	57 811
—	33 ½ Wo.	33 753	3 5	37 253	62 747	59 056	1 476	57 580
—	33 ¾ Wo.	34 005	3 5	37 505	62 495	58 819	1 470	57 349
—	34 Wo.	34 257	3 5	37 757	62 243	58 582	1 464	57 118
—	34 ¼ Wo.	34 509	3 5	38 009	61 991	58 344	1 459	56 885
—	34 ½ Wo.	34 761	3 5	38 261	61 739	58 107	1 453	56 654
—	34 ¾ Wo.	35 013	3 5	38 513	61 487	57 870	1 447	56 423
—	35 Wo.	35 264	3 5	38 764	61 236	57 634	1 441	56 193

A. D. 1817. REGULATION XV.

A REGULATION for imposing a Duty on foreign Salt imported by Sea into any Port or Place within the Limits of the Territories immediately dependent on the Presidency of Fort William:—Passed by the Vice-President in Council on the 9th September 1817, corresponding with the 26th Bhadoon 1224 Bengal era; the 14th Bhadoon 1224 Fusly; the 17th Bhadoon 1224 Willaity; the 13th Bhadoon 1874 Sumbut; and the 26th Sawal 1232 Higeree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public Revenue, to impose a duty on foreign salt imported by sea into any port or place within the territories immediately dependent on the Presidency of Fort William, the Vice-President in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, has enacted the following Rules, to be in force throughout the aforesaid territories from the period of their promulgation.

Foreign salt, when imported by sea into any port or place within the limits of the territories dependent on the presidency of Fort William, subject to a duty of three sicca rupees per maund.

II. Foreign salt, that is to say, salt made out of the limits of the territories immediately dependent on the Presidency of Fort William, shall, on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of sicca rupees three per maund of forty seers, each seer weighing eighty-two sicca weight.

III. The

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government customs, on goods or merchandise imported by sea, subject however to the provision contained in the following Section; and any salt imported or landed in breach of the said rules and provisions shall be forfeited, two third parts thereof to the said United Company, and one third part to the person or persons who shall seize, inform, or sue for the same, and shall and may be seized as forfeited by the collector, or any of the officers of the custom-house or customs, or by any of the officers of Government serving in the salt department, to be by them conveyed and deposited in one of the said United Company's golahs or warehouses, or other secure place.

Mode of levying the duty above-mentioned.

Salt liable to forfeiture, on breach of the rules contained in this Regulation.

IV. The proprietor or proprietors of salt imported as aforesaid, may, if he or they be so disposed, instead of landing the salt so imported at the custom-house, and paying the duty due and payable thereon, in the manner prescribed generally for the payment of the duties denominated Government customs, on goods or merchandise imported by sea, deliver it on shore at the Company's golahs or warehouse, or such other secure place as shall be approved by the Governor General in Council, and secure and lodge it therein without payment of duty in the first instance; provided, however, that salt so warehoused shall not be removed until the duty imposed by this Regulation shall be duly paid.

Option granted to proprietors to lodge their salt in the Company's golahs or warehouse, instead of landing it at the custom-house, and without payment of the prescribed duty in the first instance.

But such salt not to be removed, until the duty shall be duly paid.

V. The importers, proprietors, or consignees of salt, which shall have been lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the custom-house, clear and take from and out of such warehouses or places all such salt, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Governor General in Council, or such officer as may be duly empowered by him in this behalf, to cause all such salt to be publicly sold or exposed to sale, and after such sale the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietor or other persons authorized to receive the same; provided that no such salt shall be sold unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid but if such price cannot be obtained, then all such salt shall be effectually destroyed by and in the presence of such officer as the Governor General shall appoint.

Salt, lodged or secured as abovementioned to be cleared and taken away within twelve months, on payment of the full duty imposed by this Regulation.

On failure, the salt liable to be sold.

And the produce how to be disposed of.

Proviso.

Salt liable to be destroyed.

A. D. 1817. REGULATION XVI.

A REGULATION for imposing a duty on foreign Opium imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William:—Passed by the Vice-President in Council on the 9th September 1817; corresponding with the 26th Bhadoon 1224 Bengal era; the 14th Bhadoon 1224 Fussily; the 17th Bhadoon 1224 Willaity; the 13th Bhadoon 1874 Sumbut; and the 26th Sawul 1232 Higeree.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on foreign opium imported by sea into any port or place within the territories immediately dependent on the Presidency of Fort William, the Vice-President in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

Preamble.

II. Foreign opium, that is to say opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, shall on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of sicca rupees twenty-four per seer of eighty Calcutta sicca weight.

Foreign Opium when imported by sea, into any port or place within the limits of the territories, dependent on the Presidency of Fort William, subject to a duty of twenty-four sicca rupees per seer.

Mode of levying the duty abovementioned.

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government customs, on goods or merchandise imported by sea, subject, however, to the provision contained in the following Section; and any opium imported or landed in breach of the said rules and provisions shall be forfeited, two third parts to the said United Company, and one third part to the person or persons who shall seize, inform, or sue for the same, and shall and may be seized as forfeited by the collector or any of the officers of the custom-house or customs, or by any of the officers of Government serving in the opium or salt department, to be by them conveyed and deposited in one of the said United Company's warehouses, or other secure place.

Opium liable to forfeiture on breach of the rules contained in this Regulation.

Option granted to proprietors, to lodge their opium in the Company's warehouse, instead of landing it at the custom-house, and without payment of the prescribed duty in the first instance.

But such opium not to be removed until the duty shall be duly paid.

IV. The proprietor or proprietors of opium imported as aforesaid may, if he or they be so disposed, instead of landing the opium so imported at the custom-house, and paying the duty due and payable thereon, in the manner prescribed generally for the payment of the duties denominated Government customs, on goods or merchandise imported by sea, deliver it on shore at the Company's warehouses, or such other warehouse as shall be approved by the Governor General in Council, and secure and lodge it therein without payment of duty in the first instance; provided, however, that opium so warehoused shall not be removed until the duty imposed by this Regulation shall be duly paid.

Opium lodged or secured as above mentioned, to be cleared and taken away within twelve months, on payment of the full duty imposed by this Regulation.

On failure, the opium liable to be sold,

and the produce how to be disposed of.

Proviso.

Opium liable to be destroyed.

V. The importers, proprietors or consignees of opium, which shall have been lodged or secured as aforesaid, shall, within twelve calendar months, to be computed from the date of the production of the manifest at the custom-house, clear and take from and out of such warehouses or places all such opium, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees, shall fail or neglect so to do, it shall be lawful for the Governor General in Council, or such officer as may be duly empowered by him in this behalf, to cause all such opium to be publicly sold or exposed to sale; and after such sale the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietor or other persons authorized to receive the same; provided that no such opium shall be sold unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid, but if such price cannot be obtained, then all such opium shall be effectually destroyed by and in the presence of such officer as the Governor General shall appoint.

A. D. 1817. REGULATION XVII.

A REGULATION to provide for the more effectual administration of criminal justice in certain cases:—Passed by the Vice-President in Council on the 16th September 1817; corresponding with the 2d Assin 1224 Bengal era; the 21st Bhadoon 1224 Fusly; the 3d Assin 1224 Willaity; the 6th Bhadoon 1874 Sumbut; and the 4th Ze-Kaedda 1232 Higeree.

Preamble.

THE Regulations in force for the conduct of criminal trials before the courts of circuit, (with the exception of special cases, in which the attendance and futwa of the Mahomedan law-officers are dispensed with), require that the cauzy or moofty be present at the whole of the trial, and on the close of it, write at the end of the record, a futwa or declaration of the Moosulman law, as applicable to the circumstances of the case. The judges of the courts of circuit are further directed to refer to the cauzy or moofty, all questions on points of law that may arise during the course of any trial, and respecting which no specific rules shall have been enacted. In several cases such rules have been prescribed with a view to supply ascertained defects in the Mahomedan law; and in all cases not provided for, wherein the judges of circuit, presiding at criminal trials, may see cause to disapprove the futwa of the law-officers, as appearing contrary to the evidence, or to the principles of justice, they are instructed not to pass any sentence; but, after completing the trial, to transmit the whole of the proceedings, with the futwa of the law-officer, and a letter, stating the grounds of their disapproval, for the sentence of the Nizamut Adawlut. On such reference a further futwa is taken from the law-officers of the Nizamut

Nizamut Adawlut, and the final sentence is then passed by that court. But the existing Regulations contain no provision for enabling the judges of the Nizamut Adawlut to pass a sentence of punishment, when the futwa of the law-officers may not convict the prisoner of the fact or facts charged against him; nor declare him liable, on strong presumption, to discretionary punishment. At the same time the Mahomedan law of evidence, in some cases (especially in those of *Zina*, including adultery, rape and incest,) is such as to render a legal conviction almost impossible; and the law-officers of the Nizamut Adawlut have declared the insufficiency of presumptive evidence to warrant the infliction of punishment in such cases. Conviction of the prevalent crime of perjury has also been found difficult, under the Mahomedan law of evidence, as applied to the proof of this offence; and its exceptions to the competency or credit of witnesses are in some instances inconsistent with the ends of public justice. It is therefore necessary to provide for the more effectual administration of criminal justice in the cases referred to; and some of the existing rules in other cases, connected with the subject, also require explanation and amendment. The following rules have accordingly been enacted, to be in force from the time of their promulgation in all the provinces immediately subject to the Presidency of Fort William.

Judge of Circuit how to proceed when a perſon brought to trial before him may be acquitted by the futwa of the law-officer, and the judge of Circuit ſhall be of opinion that the proof againſt the priſoner is ſufficient to convict him of the whole or part, of the charge, ſo as to render him a proper object of puniſhment.

II. Whenever a person charged with a criminal offence, and brought to trial before a Court of Circuit, shall be acquitted of the charge, by the futwa of the Mahomedan law-officer present at the trial, and the judge before whom the trial may be held, on full consideration of the evidence, and of all the circumstances of the case, shall be of opinion that the proof against the prisoner, whether founded on his free and voluntary confession, or on the testimony of credible witnesses, or on circumstances of strong presumption, is sufficient to convict the prisoner of the whole, or any part of the charge, so as to render him a proper object of punishment, the judge shall not pass any sentence; but, as directed by the existing Regulations, in all cases wherein a judge of Circuit sitting on a criminal trial may disapprove the futwa of the law-officer, shall transmit without delay the whole of the proceedings on the commitment and trial with the futwa of the law-officer, to the court of Nizamut Adawlut; and shall state in a letter to that court the specific crime or crimes which the judge may consider to be established against the prisoner.

Law-officers of the Nizamut Adawlut to write their futwa upon trials, referred to that Court under the foregoing Section, as in other referred trials.

III. On receipt of the proceedings upon trials referred to the Nizamut Adawlut, in pursuance of the foregoing Section, the Mahomedan law-officers of that court shall write their futwa thereupon, as in other trials referred under the general Regulations.

Power veſted in two or more judges of the Nizamut Adawlut, to paſs ſentence of conviction and puniſhment, in certain caſes, notwithſtanding a futwa of acquittal by the law-officers of that Court.

IV. In such cases, as well as in all trials referred to the Nizamut Adawlut, when the futwa of one or more of the law-officers of that court may acquit a prisoner of the whole or any part of the charge preferred against him, and two or more judges of that court, on a deliberate consideration of the evidence and circumstances of the case, shall concur in opinion, that the proof against the prisoner so acquitted, whether founded on his free and voluntary confession, or on the testimony of credible witnesses, or on circumstances of strong presumption, is sufficient to convict him of the whole, or any part of the charge, and that he is in every respect a proper object of punishment, the judges so concurring in opinion are hereby declared competent to convict and pass sentence of punishment upon the prisoner, according to the nature and degree of his offence, and the provisions applicable thereto, in the laws and regulations in force, in like manner as if he had been declared convicted by the futwa of the law-officers.

Courts of Circuit, how to proceed when the evidence of witneſſes may, on inſufficient grounds, be conſidered by the law-officers, to be inadmiſſible.

V. If the evidence of a witness on a criminal trial before a Court of Circuit be declared by the Mahomedan law-officer inadmissible, on the ground of the witness being a police-officer, or an officer of Government of any description; or on any other ground of exception in the Mahomedan rules of evidence, which may appear to the judge of circuit unreasonable and insufficient the judge shall cause the examination of the witness to be taken, notwithstanding the exception stated by the law officer; and shall require the latter, on completion of the trial, to declare in his futwa the sentence to which the prisoner would have been liable, if the evidence of the witness or witnesses objected to had been admissible under the provisions of the Mahomedan law. In such cases, however, if the conviction of the prisoner depend exclusively or principally upon the evidence of the witness or witnesses objected to by the law-officer, the judge of Circuit shall not pass any sentence, but shall refer the trial to the Nizamut Adawlut; which Court, after taking a futwa from its law-officer,

is empowered to pass such sentence as may be deemed just and proper, under the preceding Section of this Regulation and the general Regulations in force.

Rule for law-officers of the Courts of Circuit, in delivering their futwas on charges of adultery, rape, and other offences within the proviſions of the Mahommedan law for caſes of *Zina*, and *Fial-i-shuneea*.

VI. *First.*—In trials before the Courts of Circuit for adultery, rape, or any other offence within the provisions of the Mahomedan law for cases of *Zinâ* and *Fiâl-i-shuneea*, the futwa of the law-officer of the Court of Circuit before whom the trial may be held, shall declare only whether the prisoner is legally convicted; or if not, whether there be strong ground of presumption arising from his free confession, or from credible testimony, or from circumstantial evidence, that he is guilty of the crime charged against him.

Sentence to be paſſed by the judge of Circuit if the priſoner be convicted, or the futwa declare that there is ſtrong preſumption of his guilt, and the judge ſhall concur.

Second.—If the futwa so given shall declare the prisoner legally convicted, or that there is strong presumption of his guilt, and the judge of Circuit, before whom the trial may be held, shall concur in the conviction of the prisoner, or in the presumption of his guilt, so as to render him a proper object of punishment, and the circumstances of the case shall not appear to call for a more severe punishment than what the Courts of Circuit are authorized to adjudge, under the seventh clause of Section II, Regulation LIII, 1803, the judge shall sentence the prisoner to suffer such punishment as may be deemed adequate to his guilt and the nature of the offence, not exceeding corporal punishment of thirty-nine stripes, and imprisonment with hard labour for the term of seven years.

Judge of Circuit how to proceed, if the priſoner be convicted or preſumed guilty, of the crime of rape.

Third.—If the prisoner be convicted, or presumed guilty of the heinous crime of rape, the judge of Circuit shall not pass any sentence, but shall refer the trial to the Court of Nizamut Adawlut, for the sentence of that Court, under the general Regulations in force.

What perſon competent to prefer, and proſecute, a charge of adultery againſt a married woman.

Fourth.—In cases of adultery it shall be requisite for the conviction and punishment of a married woman that she be prosecuted by her husband; and no other person shall be deemed competent to prosecute, or prefer the charge against her, in such cases.

Explanation of Section III, Regulation IV, 1797, and ſecond clauſe of Section XV, Regulation VII, 1803, in caſes of culpable homicide, not amounting to wilful murder.

VII. A doubt having been entertained whether the provisions contained in Section III, Regulation IV, 1797, and the second clause of Section XV, Regulation VII, 1803, relative to culpable homicide, not amounting to wilful murder, empower the Courts of Circuit to commute the *deyut*, or fine of blood, prescribed by the Mahomedan law in such cases to any period of temporary imprisonment, or whether the discretion of the Courts of Circuit, in the cases referred to, is limited by the general rule contained in the seventh clause of Section II, Regulation LIII, 1803, which restricts the Courts of Circuit, in cases not specifically provided for, from passing a final sentence exceeding corporal punishment of thirty-nine stripes, and imprisonment with hard labour, for the term of seven years; it is hereby explained that the above restriction is applicable to all cases of commutation for *deyut*, on a conviction before a Court of Circuit of culpable homicide, not amounting to wilful murder, under Section III, Regulation IV, 1797; and the second clause of Section XV, Regulation VII, 1803, or any other Regulation in force. If in any instance the above-stated punishment appear insufficient, the judge of Circuit is to refer the trial to the Nizamut Adawlut, as directed in similar cases by Section II, Regulation LIII, 1803.

Second clauſe of Section V, Regulation LIII, 1803, reſcinded.

VIII. *First.*—The second clause of Section V, Regulation LIII, 1803, which contains provisions relative to murder, wounding, and other personal injuries committed in the prosecution of theft or burglary, is hereby rescinded.

Perſons convicted of murder, in proſecution of robbery, burglary or theft, to what ſentence liable.

Second.—Persons convicted of murder, in prosecution of robbery, burglary or theft, as in all other cases of wilful murder, are liable to a sentence of death by the Court of Nizamut Adawlut, under the laws and regulations in force, which are applicable to such cases.

Perſons convicted of robbery by open violence, with or without wounding, or corporal injury, not occaſioning homicide, to what ſentence liable.

Third.—Persons convicted of robbery by open violence, as defined in the first clause of Section III, Regulation LIII, 1803, when accompanied with wounding or other corporal injury, not occasioning homicide, and likewise when not so accompanied, under the provisions for such cases in Regulations LIII, 1803, III, 1805, and VIII, 1808, are liable, by sentence of the Nizamut Adawlut, to receive thirty-nine lashes with a corah, and to be imprisoned, and transported for life; or, if the offender be a police-officer, or a village watchman required to assist the police-officers in preventing robbery, he is subject to the enhanced punishment declared in such instances of aggravated criminality, by Section IV, Regulation III, 1805.

Fourth.

Fourth.—In all cases of burglary and theft, or of theft without burglary, whether in a house or from the person of another, as well as in all cases of robbery, not within the provisions of the Regulations in force for the punishment of robbery by open violence, if the robbery, burglary, or theft, or an attempt to commit the same, be accompanied with an attempt to commit wilful murder, whether by wounding, burning, strangling, poisoning, drowning, throwing into a well, or by any other means, or be accompanied with wounding, burning, or corporal injury to any person or persons, in such degree as to endanger life, the offender or offenders, who may be convicted, to the satisfaction of the Nizamut Adawlut, of having been concerned as principals or accomplices, in a robbery, burglary, or theft, or in an attempt to commit the same, attended with such aggravated criminality, shall be liable to the same punishment as that prescribed for robbery by open violence; viz. thirty-nine lashes with a corah, and imprisonment, and transportation for life.—The trial in all such cases shall be referred by the Courts of Circuit to the Court of Nizamut Adawlut; and the judge of Circuit, before whom the trial may be held, shall proceed as directed in Section IV, Regulation VIII, 1808, and other Regulations in force, respecting prisoners who are liable to a sentence of imprisonment and transportation for life.—If the judge of Circuit be of opinion that there are grounds for a mitigation of the prescribed punishment he shall state the same for the consideration of the Nizamut Adawlut.

Persons convicted of burglary and theft, or of theft without burglary, or of robbery, not within the provisions for robbery by open violence, to what sentence liable; if the robbery, burglary, or theft, or an attempt to commit the same, be accompanied with an attempt to commit murder; or with wounding or other corporal injury endangering life.
Courts of Circuit how to proceed on the conviction of persons tried before them in such cases.

Fifth.—In cases of conviction before the Courts of Circuit of any of the offences specified in the preceding clause, wherein the robbery, burglary, or theft, or an attempt to commit the same, may not have been accompanied with an attempt to commit murder, nor with wounding, burning, or other corporal injury, in such degree as to endanger life, but may have been attended with wounding, or other corporal injury, in a less degree, the judge of Circuit, provided he concur in the conviction of the offender, shall, without reference to the Nizamut Adawlut, adjudge him to suffer such punishment, as may appear adequate to the offence, not exceeding the sentence which the Courts of Circuit are authorized to pass in cases of burglary, by the first clause of Section III, Regulation I, 1811; viz. thirty-nine stripes with a corah, and imprisonment for fourteen years, in banishment from the district where the prisoner may have resided.

Sentence to be passed by the Court of Circuit when the offences specified in the preceding clause may not have been accompanied with an attempt to commit murder; or with wounding, or other corporal injury, endangering life.

Sixth.—Nothing in the above clause shall be construed to empower the Courts of Circuit to pass and order execution of a final sentence of conviction and punishment without reference to the Nizamut Adawlut, in any case of robbery by open violence, as defined in the first clause of Section III, Regulation LIII, 1803; or to authorize an enhancement of the penalties declared by the Regulations in force for burglary, or theft, when not accompanied with wounding, or other corporal injury; nor with an attempt to commit murder by strangling, or other means, as described in the fourth clause of this Section.

Explanation of the preceding clause, as not extending to robbery by open violence,
Nor meant to authorize an enhancement of the existing penalties for burglary or theft, when not accompanied with any of the specified acts of aggravation.

Seventh.—It is, however, hereby declared, in explanation of the first clause of Section V, Regulation LIII, 1803, that the reference therein made to the Mahomedan law in cases of theft, was not intended, and shall not be considered, to preclude the Courts of Circuit from adjudging stripes, not exceeding thirty-nine of the corah or rattan, in addition to imprisonment, not exceeding seven years, when such punishment in aggravated cases of theft may appear just and proper.

Explanation of the first clause of Section V, Regulation LIII, 1803, as not meant to preclude the Courts of Circuit from adjudging stripes, as well as imprisonment, in cases of theft.

IX. *First.*—The provisions contained in Regulation II, 1807, for the punishment of persons convicted of wilful perjury, or subornation of perjury, or of forgery, or procuring forgery, are hereby declared subject to the following modifications.

The provisions in Regulation II, 1807, for the punishment of wilful perjury, or subornation of perjury, or of forgery, or procuring forgery modified.

Second.—The judge of Circuit, before whom a prisoner may be convicted of any of the offences specified in the above clause, as defined in Regulation II, 1807, or in the present Regulation, provided he concur with the law-officer in the conviction of the prisoner, shall sentence him to be publicly exposed in the mode commonly denominated tusheer, to receive thirty stripes with a corah, and to be imprisoned in banishment from the district, for the period of seven years; or for the term of fourteen years, if the prisoner be convicted of having forged or procured to be forged any counterfeit coin in imitation of any of the gold, silver, or copper coins of the British Governments in India, or of any coin usually received as money in the

Sentence to be passed on persons convicted before the Court of Circuit, of any of the above offences as defined in Regulation II, 1807, or in the present Regulation.
Enhanced penalty on persons convicted of having forged, or procuring to be forged, counterfeit coin, &c.

British possessions in India; or of having forged, or procured to be forged, any counterfeit stamp, or stamped paper in imitation of any public stamp established by the British Governments in India; or any counterfeit note, or other security for money, in imitation of any of the public securities of the British Governments in India, or of the bank notes issued by any public bank in the British possessions in India, unless the judge of Circuit, on consideration of all the circumstances of the case, shall be of opinion, that any part of the prescribed punishment is too severe; in which case he is authorized to mitigate the sentence to imprisonment, with or without tusheer, for any period not less than seven years, in the above-mentioned cases of forgery of counterfeit coin, public stamps, securities, or bank notes, and procuration of such forgery, and to imprisonment, with or without tusheer, for any period not less than three years, in all other cases within the provisions of Regulation II, 1807, and the present Regulation.

Power of the judge of Circuit, to mitigate the prescribed punishment, to a certain extent, in cases of extenuation.

Third.—If in any instance the judge of Circuit shall be of opinion that a further mitigation or remission of punishment is necessary, he shall, provided he concur in the conviction of the prisoner, pass sentence according to the preceding clause, and refer the trial, with his sentiments at large, for the final sentence or order of the Court of Nizamut Adawlut.

If a further mitigation of punishment appears proper, the judge of Circuit to pass sentence according to the preceding clause, and refer the trial to the Nizamut Adawlut.

X. *First.*—The provisions of Regulation II, 1807, not including the offence of fraudulently issuing and publishing as true, or otherwise fraudulently giving effect or attempting to give effect, to fabricated deeds and papers, knowing the same to be false and fabricated, or the offence of using, issuing, selling, or otherwise disposing of, or attempting to dispose of, counterfeit stamped paper, bearing the imitation of a public stamp, knowing the same to be counterfeit, or the offence of paying, or tendering in payment, counterfeited coin, bank notes, promissory notes, or other securities for money, knowing the same to be counterfeit, the following additional provisions are enacted for the punishment of these offences respectively.

Provision for the punishment of knowinglyand fraudulently uttering forged instruments, counterfeit stampt paper, coin, bank notes, promissory notes or other securities for money.

Second.—If any person shall be convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of any of the offences specified in the above clause, he shall be sentenced to imprisonment for such period, not exceeding seven years, as the judge of Circuit may deem adequate to the nature and circumstances of the case: and shall also, in all instances of an aggravated nature, or of a repetition of the offence, after being once convicted and discharged, be sentenced to public exposure by tusheer. In every instance of a repetition of the offence, after a previous conviction and discharge, the judge of Circuit may further at his discretion, sentence the offender to receive corporal punishment, not exceeding thirty stripes, with a corah or ratan. If a person twice convicted and discharged be again found guilty of any of the offences specified in the preceding clause, and the judge of Circuit shall be of opinion that he ought to be imprisoned for a longer period than seven years, he shall refer the trial, with his sentiments, for the sentence of the Court of Nizamut Adawlut, in pursuance of the seventh clause of Section II, Regulation LIII, 1803.

Sentence to be passed on persons convicted before a Court of Circuit, or Nizamut Adawlut, of any of the above offences.

In cases of an aggravated nature, or a repetition of the offence, after first conviction and punishment, the judge of circuit may adjudge tusheer and stripes.

Rule in cases of a third conviction, after discharge from former convictions.

Third.—The provisions in the above clause are further declared applicable to persons convicted of clipping, filing, drilling, defacing or debasing the gold or silver coin of the British Governments in India, or any coin usually received as money within the British possessions in India; the whole of which offences in the Regulations for the coinage are already made cognizable by the Criminal Courts, and declared punishable as the law may direct.

Provisions in the above clauses, applicable to persons convicted of clipping, filing, drilling, defacing or debasing the gold or silvercoin.

XI. If any person, subject to the jurisdiction of a zillah or city magistrate, shall be convicted of having in his or her possession, without lawful or satisfactory excuse, any counterfeited coin, or stampt paper, bearing an imitation of any current coin, or public stamp, and shall not show good and sufficient cause for having such counterfeit coin, or stampt paper, in his or her possession, the persons so convicted shall be sentenced by the magistrate to pay a fine equal to four times the nominal value of such counterfeit coin or stampt paper in his or her possession, one moiety of which fine shall, on receipt of it, be given to any informer or informers who may have given information of the offence, and established the truth of it. In the event of such fine not being paid, the person convicted shall be confined for such period as the magistrate may direct, not exceeding six months. The counterfeit coin or stampt paper shall also in every instance be forwarded to the mint-master or superintendent of stamps respectively.

Persons convicted before a magistrate, of having in possession counterfeit coin or stampt paper, without lawful excuse, punishable by fine or 3 months imprisonment.

XII. *First.*—

XII. *First.*—Such part of Section III, Regulation II, 1807, or of any other Regulation in force, as directs that offenders, sentenced to imprisonment for a limited period, shall have the crimes of which they are convicted marked on their foreheads by the process of "godna," is hereby rescinded.

Punishment of godna restricted, in future, to convicts sentenced to imprisonment for life.

Second.—Convicts sentenced to imprisonment for life shall alone be marked by by the process of "godna," in the manner and for the purpose stated in Section XI, Regulation IV, 1797, and Section XXXV, Regulation VII, 1803.

Third.—It shall further be competent to the Court of Nizamut Adawlut to except any prisoners sentenced to imprisonment for life from being marked, as directed in the Sections above mentioned, in cases wherein there may appear to be special reason for such exception.

Nizamut Adawlut empowered, in special cases, to exempt a prisoner sentenced to imprisonment for life from being marked with the godna.

Fourth.—When convicts, sentenced to imprisonment for life, and not specially excepted by the Nizamut Adawlut, may be marked on the forehead as prescribed by Section XI, Regulation IV, 1797, and Section XXXV, Regulation VII, 1803, the magistrate shall cause the operation to be performed early in the morning, and shall adopt precautions to prevent the convict's defacing the inscription in the course of the day. The magistrates are also directed to renew the inscription if defaced so as to become illegible, on the forehead of any convicts under sentence of imprisonment for life.

In what manner the operation of godna, to be performed on persons liable to it.

The magistrates to renew the inscription if defaced.

XIII. *First.*—In addition to the Rules contained in Sections XXVI, XXX, and XXXIII, Regulation XII, 1817, it is hereby declared, that any person convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of having given intentionally and deliberately a false deposition upon oath, or under a solemn declaration, taken instead of an oath, before a public officer authorized to take the same, shall be deemed guilty of wilful perjury, and liable to the punishment of that offence, declared in Section IX of this Regulation, although the deposition so taken may not relate to any judicial proceeding, provided it shall clearly appear to have been given falsely and criminally on a point material to the case in which the deposition may have been taken.

Sentence to be passed on persons convicted before Court of Circuit, or Nizamut Adawlut, of having wilfully given a false deposition on oath, or solemn declaration before any public officer, authorized to take the same.

Second.—Any person convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of having procured or caused another to commit the offence described in the above clause, shall be deemed guilty of subornation of perjury; and shall be liable to the punishment of that offence, declared in Section IX of this Regulation.

Persons convicted of causing or procuring another to commit the above offence, shall be deemed guilty of subornation of perjury, and punishable accordingly under Section VI of this Regulation.

XIV. *First.*—By Section II, Regulation III, 1801, extended to the Upper Provinces by Section III, Regulation VII, 1813, with a view to prevent unfounded and malicious charges of perjury or subornation of perjury, it is provided, that the zillah and city magistrates shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses, or against the witnesses of the adverse party, or charges of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the civil courts, either as plaintiffs, defendants or witnesses, are declared not liable to any prosecution of this description, unless committed to take their trial by the zillah or city judge. The following additional provisions are now enacted for the more effectual attainment of the object above stated.

Recapitulation of Section II, Regulation III, 1801, and additional provisions enacted, for the more effectual attainment of the objects of that Regulation.

Second.—The rule above mentioned, (with this qualification, that the zillah or city judge may commit to prison, or admit to bail, as he shall think proper, under the discretion given by Section V, Regulation II, 1807,) shall be considered applicable to all allegations of perjury, or subornation of perjury, against parties or witnesses in any civil suit, or any civil proceedings whatever, before the judge or register of a zillah or city court; or before a sudder ameen or moonsiff, or an arbitrator or arbitrators appointed to investigate such suits; or an officer employed by a zillah or city civil court in any local or other inquiry, or in the execution of any civil process. In all such cases the proceedings, on which the charge of perjury or subornation of perjury may be grounded, if not held before the zillah or city judge in the first instance, shall be referred to him by the Register, Commissioner, or other officer before whom the proceedings may have been held, with the sentiments of the Register, Commissioner, or other officer, upon the case; and if the judge be of opinion that there are sufficient grounds for bringing the accused party to trial before the Court of Circuit on a charge of perjury, or subornation of perjury, he shall record his opinion to that effect; and

The rule in the Section and Regulation above cited, with a discretion to the judge, to commit to prison, or admit to bail, declared to extend generally to all allegations of perjury, or subornation of perjury, against parties or witnesses in any civil suit, or any civil proceeding whatever, before any of the authorities herein mentioned.

Mode of procedure when the proceedings, on which the charge of perjury or

ſubornation of perjury is grounded, may be held before a regiſter, native commiſſioner, or other officer.

at the same time direct whether the accused shall be admitted to bail or kept in custody. An authenticated copy of the order passed by him, with the whole of the original papers relative to the case, shall then be transferred to the cutcherry of the magistrate, that the order of the judge may be carried into effect, and the case brought before the Court of Circuit, in the same manner as if the charge had been instituted and proceeded upon in the Court of the magistrate.

And in caſes wherein the proceedings may be held, before the judges of the Provincial Courts, or of the Court of Sudder Dewanny Adawlut, or any ſingle judge of thoſe Courts.

Third.—If the judges of the Provincial Courts or of the Court of Sudder Dewanny Adawlut, or any single judge of those Courts respectively, in cases within the competency of a single judge, shall be of opinion that there are sufficient grounds, on any civil proceeding before them for bringing a party or witness to trial on a charge of perjury, or subornation of perjury, they shall record their sentiments to that effect; and at the same time direct whether the party accused shall be admitted to bail or kept in custody:—an authenticated copy of the order so passed, with the whole of the original papers relative to the case, shall then be transmitted to the proper zillah or city magistrate, for the purpose of being proceeded upon as stated in the preceding clause.

Reſtriction againſt proſecutions of perjury or ſubornation of perjury of parties and witneſſes in the Civil Courts, extended to charges of thoſe offences againſt proſecutors and witneſſes in the Criminal Courts, or before any public officer authorized to hold inquiries into offences of a criminal nature.

Fourth.—The restriction against prosecutions for perjury and subornation of perjury of witnesses and parties in the Civil Courts, unless the officers presiding in these Courts shall be of opinion that there are grounds for such prosecutions, are hereby extended to all charges of perjury, or subornation of perjury, against witnesses and prosecutors in the Criminal Courts, or before any public officer authorized to hold inquiries respecting offences of a criminal nature. Provision is already made by Section VI, Regulation II, 1807, for such cases, when persons attending the session of a Court of Circuit may appear to the judge of that Court to have been guilty of perjury or subornation of perjury. The judges of the Courts of Circuit at the sudder stations of those Courts, and the judges of the Court of Nizamut Adawlut, or a single judge of those Courts respectively, in cases within the competency of a single judge, are further hereby declared empowered to direct the proper zillah or city magistrate to commit to custody, or hold to bail, and to bring to trial at the regular sessions of the Courts of Circuit, any person who from proceedings before the above Courts may appear to have been guilty of the crime of perjury, or subornation of perjury; and the zillah and city magistrates themselves are vested by the Regulations with full authority to commit, or hold to bail, for trial before the Courts of Circuit, all persons who, on their own proceedings, or those of their assistants, may be considered guilty of either of the crimes above mentioned. The magistrates of the several zillahs and cities are therefore prohibited from receiving and acting upon any charges of perjury or subornation of perjury alleged to have been committed in the course of any trial or inquiry of a criminal nature, excepting such as may come before them in the manner provided for by this Section.

Further reſtriction, when the offence may be alleged to have been committed, before a collector or other public officer.

Fifth.—The zillah and city magistrates are further restricted from receiving and acting upon charges of perjury, or subornation of perjury, alleged to have been committed before a collector or other public officer, unless such officer shall transmit the proceedings held before him, with his opinion that there are grounds for believing such charge to be well founded. In that case, and if the magistrate on inspection of the proceedings, or after making such further inquiry as he may deem necessary, shall be of opinion that there are grounds for bringing the party accused to trial before the Court of Circuit, he shall pass an order to that effect; and shall at the same time direct whether the accused shall be held to bail, or kept in custody till the session of the Court of Circuit.

Proviſion for the appointment of a public proſecutor, when judged proper by the magiſtrate, to conduct proſecutions under this Section, before the Court of Circuit.

Sixth.—In all cases provided for by this Section, if there be no private prosecutor to whom the magistrate may judge it proper to leave the prosecution of the case, before the Court of Circuit, he shall appoint the vakeel of Government, or some other qualified person to conduct the prosecution before the Court of Circuit, and shall furnish him with the requisite information and instructions for that purpose.

Section XXIII, Regulation XVI, 1795, and ſo much of Sections VII and IX Regulation XXI, 1795, as exempts bramins convicted of murder in the province of

XV. By the Laws and Regulations in force throughout the whole of the provinces under this Presidency, except the province of Benares, bramins, in common with all other persons, who may be convicted of the heinous crime of murder, are liable to a sentence of death; but in the province of Benares it is provided by Section XXIII, Regulation XVI, 1795, as well as by Sections VII, and IX, Regulation XXI, 1795, that bramins convicted of murder and liable to a sentence of death, shall, in lieu

lieu of such punishment, be sentenced by the Nizamut Adawlut to transportation for life. This exemption of bramins in the province of Benares from the legal punishment for murder, to which bramins as well as all other persons are subject in every other part of the country, being obviously repugnant to the principles of equal justice; and having operated to prevent the infliction of adequate punishment in some atrocious cases of murder, which have come before the Benares Court of Circuit and the Nizamut Adawlut; Section XXIII, Regulation XVI, 1795, and so much of Sections VII, and IX, Regulation XXI, 1795, or of any other Regulation in force, as exempts a bramin convicted of murder within the province of Benares, from a sentence of death, are hereby rescinded from the date on which this Regulation may be promulgated. Provided, however, that nothing in this Section shall be understood to render any bramin within the province of Benares, liable to a sentence of death for an offence committed before the promulgation of this Regulation; nor shall the execution of a sentence of death against a bramin take place at a future period within the limits of any spot of ground held sacred by the Hindoos. The magistrates are enjoined to execute all sentences of death against bramins at some convenient place situate without such limits.

Benares from capital punishment rescinded from the date on which this Regulation may be promulgated.

XVI. The provisions contained in Clause Fifth, Section VII, Regulation LIII, 1803, and in Section VIII, Regulation VIII, 1808, for expediting the decision of criminal trials referred to the Nizamut Adawlut in certain cases, having seldom been found available for the purpose intended by them, they are hereby rescinded.

Clause Fifth, Section VII, Regulation LIII, 1803, and Section VIII, Regulation VIII, 1808, rescinded.

XVII. It is provided in Section VI, Regulation VII, 1808, that if a single judge of the Nizamut Adawlut, holding a sitting of that Court upon a criminal trial shall not concur with the judge of Circuit before whom the trial may have been held, with respect to the conviction of the prisoner, he shall not pass sentence until one or more of the other judges of the Court can sit with him upon the trial. This provision, which includes all instances of a difference of opinion upon the guilt or innocence of a prisoner, is now extended to all cases in which the judge of Circuit, before whom the trial shall have been held, may recommend a mitigation of punishment, upon grounds which a single judge of the Nizamut Adawlut, holding the sitting of that Court, may deem insufficient. In such cases, the opinion of a second judge of the Nizamut Adawlut shall be taken upon the mitigation proposed by the judge of Circuit; and in giving such opinion he will examine the proceedings upon the trial as far as may be necessary to enable him to form a judgment upon the stated grounds of mitigation.

Extension of provision contained in Section VI, Regulation VII, 1808, for a sitting of two or more judges of the Nizamut Adawlut, to all cases in which a judge of circuit before whom a trial may be held, shall recommend a mitigation of punishment, upon grounds which a single judge of the Nizamut Adawlut, holding a sitting of that court, may deem insufficient.

Opinion of a second judge of the Nizamut Adawlut, how to be taken in such cases.

XVIII. *First.*—When the judge of a Court of Circuit, referring a criminal trial to the Nizamut Adawlut, shall state circumstances of extenuation, or other special grounds for a mitigation of punishment, in behalf of any prisoner, or prisoners, and a single judge of the Nizamut Adawlut, holding the sitting of that Court, shall concur in the mitigation of punishment recommended by the judge of Circuit, it shall be competent to the judge so concurring to grant the proposed mitigation, and to pass sentence accordingly; in like manner as two judges of the Nizamut Adawlut are declared competent to grant a mitigation, or remission of punishment, whenever it may appear just and proper, under the provisions contained in Section III, Regulation XIV, 1810.

A single judge of the Nizamut Adawlut, concurring with the judge of Circuit before whom the trial may have been held, empowered to grant a mitigation of punishment when it may appear proper, in like manner as two judges of the Nizamut Adawlut are empowered by Section III, Regulation XIV, 1810.

Second.—A single judge of the Nizamut Adawlut, holding the sitting of that Court on a criminal trial under Section VI, Regulation VIII, 1808, is further declared competent to mitigate or remit any part of the prescribed punishment, if it appear to him just and proper on the grounds stated in Section III, Regulation XIV, 1810, although a mitigation or remission may not be proposed by the judge of Circuit referring the trial; but in such cases the grounds on which a mitigation or remission of punishment may be granted shall be recorded and communicated to the Court of Circuit, for the information of the prisoner or prisoners, as required by the above-mentioned Section of Regulation XIV, 1810.

A similar power may be exercised by a single judge of the Nizamut Adawlut, sitting on a criminal trial under Section VI, Regulation VIII, 1808, although a mitigation or remission of punishment, be not proposed by the judge of circuit, referring the trial.

A. D. 1817. REGULATION XVIII.

A REGULATION to modify the Rules in force which prescribe an oath of office to be taken by certain native officers; and to explain and amend other provisions relative to the native ministerial officers and law-officers of the civil and criminal courts:—Passed by the Vice-President in Council on the 16th September 1817; corresponding with the 2d Assin 1224 Bengal era; the 21st Bhadoon 1224 Fusly; the 3d Assin 1224 Willaity; the 6th Bhadoon 1874 Sambut; and the 4th Ze-Kaddu 1232 Higeree.

Preamble.

WHEREAS doubts have arisen whether the native record keepers attached to the civil and criminal courts of judicature, as well as the tehveeldars, or native treasurers of those courts, were meant to be included in the description of native officers required to take the oath prescribed by Section IV, Regulation XIII, 1793, (extended to the province of Benares by Regulation XIII, 1795, and re-enacted for the Upper Provinces by Section IV, Regulation XII, 1803; also whether a hullusnamah, or solemn declaration, can, in any instance, be admitted, instead of the oath directed to be taken by the native officers of the civil and criminal courts: and whereas with a view to maintain the sanctity and obligation of an oath, by confining the requisition of it to cases in which an oath may be necessary for the validity of evidence, and due administration of justice, it appears expedient to modify the rules in force, which prescribe an oath of office to be taken by any of the native officers of government; at the same time explaining and amending the existing provisions for a civil action against the law-officers and ministerial native officers of the courts of judicature, in cases of alleged corruption, or extortion, the following rules, including likewise an additional rule for the appointment of the law-officers of the provincial, zillah and city courts, have been enacted, to be in force as soon as promulgated throughout the provinces dependent on the Presidency of Fort William.

Rules in force respecting a prescribed oath to be taken by certain native officers, declared subject to modification.

II. *First.*—Such parts of the Regulations in force as direct that the law-officers, or ministerial native officers of the Court of judicature, civil or criminal, or any other native officers employed in the judicial, revenue or commercial department, or in any public office whatever, shall take and subscribe an oath, previously to their entering upon the discharge of the duties of the office to which they may be respectively appointed, or which in like manner prescribe an oath of office to be taken by the moonsiffs and sudder aumeens, and by the native pleaders attached to the civil courts, are hereby declared subject to the following modification.

A solemn declaration substituted for the prescribed oath in such cases.

Second.—Instead of the prescribed oath, which is required by the Regulations in force, the several native officers referred to in the above clause shall hereafter make and subscribe, in open Court or in the established public office, before the judges, boards, collectors, commercial residents and agents, or other European authorities to which they may be respectively subject, a solemn declaration to the same effect with the form of oath heretofore prescribed, except that the word "declare" shall be substituted for "swear;" and that the declarer shall not be sworn thereto.

By whom such declarations to be attested, and the above rule to be enforced.

Third.—The judges, boards, collectors, or other European officers before whom such declarations are required to be made and subscribed, shall attest the same as publicly read and subscribed before them, in pursuance of the above clause, and shall be careful to enforce a due observance of the Rule therein contained by the native officers appointed to act under them respectively.

To what native officers the rules so modified are meant to extend.

III. With the modification contained in the preceding Section, the rules in force, which require that certain native officers attached to the civil and criminal Courts of judicature, and to other public offices, shall take and subscribe an oath, solemnly engaging to perform the duties of the office committed to them faithfully and uprightly, according to the Regulations, are hereby declared to extend to the native record keepers and tehveeldars, or native treasurers of the civil and criminal courts, though not specifically named in Section IV, Regulation XII, 1793, and Section IX, Regulation XII, 1803; as well as to all other native officers of Government holding any situation of trust and responsibility in the public service.

IV. The

IV. The second Clause of Section V, Regulation XII, 1793; the second Clause of Section V, Regulation XI, 1803; Section XXXVII, Regulation IX, 1793, and Section IX, Regulation VII, 1803, with any other provisions in the existing Regulations which require the Mahomedan law-officers of the Civil or Criminal Courts to take and subscribe an oath on the 1st of January and 1st July of each year, are hereby rescinded.

Provisions for an oath to be taken half yearly, by the Mahomedan law-officers of the civil and Criminal Courts rescinded.

V. In modification of the Rules contained in Sections III, and IV, Regulation VIII, 1809, which relate to the appointment of the Mahomedan and Hindoo law-officers of the provincial zillah and City Courts, with a view to admit of the occasional appointment of persons duly qualified, who may not be nominated by the judges of those courts, it is hereby provided, that whenever a vacancy may occur in the station of law-officer to any of the above courts, and the Court of Sudder Dewanny and Nizamut Adawlut, on receiving the prescribed report of such vacancy, shall for any special reason judge it proper to nominate and appoint a fit person to fill the vacant office, without calling for, or adopting, if received, the usual nomination of a person to succeed thereto by the judge or judges of the court in which the vacancy may have occurred; it shall be competent to the court of Sudder Dewanny and Nizamut Adawlut to make such nomination and appointment, recording on their proceedings the special ground on which the appointment so made may be founded, with any information obtained respecting the age, character, past employments and qualifications of the person so appointed to the station of law-officer, whether of a zillah, city, or provincial court.

Modification of existing rules for the nomination and appointment of the law officers of the provincial, zillah and City Courts.

VI. *First.*—In explanation of the provisions for a civil action against the law officers and ministerial native officers of the Courts of judicature, contained in Regulations XII and XIII, 1793, (extended to Benares by Regulations XI, and XII, 1795; and re-enacted for the Upper Provinces by Regulations XI and XII, 1803;) it is hereby declared that those provisions, the principal object of which is to enable individuals who may be aggrieved by any of the native officers in question, to obtain redress by an action in the Civil Courts, are not meant to preclude a criminal prosecution in cases of corruption, extortion or embezzlement, which may appear to call for exemplary punishment.

Explanation of provisions in force for a civil action against the law-officers, and ministerial native officers of the Courts of judicature, in cases of alleged corruption or extortion.

Second.—Whenever a law-officer, or ministerial native officer, may not, by the result of a civil action, have been subjected to the penalties for corruption or extortion provided for in the above Regulations, and there may appear to be sufficient grounds for a criminal prosecution against any such officer, on a charge of corruption, extortion or embezzlement, he is hereby declared liable to a criminal prosecution before the zillah or city magistrate and Court of Circuit as provided for in other cases of misdemeanor by the Regulations, and on conviction before a Court of Circuit, or the court of Nizamut Adawlut, he shall be subject to discretionary punishment, to the extent and under the provisions stated in Section III, Regulation II, 1813, with respect to native officers convicted of making use of the public money intrusted to their care.

In what cases a law-officer, or ministerial native officer, may be prosecuted in the Criminal Courts on a charge of corruption, extortion, or embezzlement.

And to what penalties liable on conviction.

Third.—Section IV, of the Regulation above mentioned, directing a report of convictions and sentences to the Governor General in Council, for the purpose of enabling him to determine whether the guilty persons should be declared incapable of again serving Government, shall also be considered applicable to any convictions and sentences under the present Section.

Report to be made to Government in such cases.

VII. *First.*—The Regulations in force not containing any provision for a summary proceeding, to inquire into and recover embezzlements of money, or other property paid into, or deposited in, the Civil or Criminal Courts of judicature, or received by the nazir, khazanchy, or other native officers of those courts, in execution of decrees, or on account of deposits, or on any other account in their official capacity; and it appearing expedient that provision should be made for this purpose, as well as for compelling the native officers of the Civil and Criminal Courts to deliver up any public accounts which may have been kept and withheld by them; the following Rules are enacted for this purpose.

Proceedings to be adopted for the recovery of money or property deposited in the Civil and Criminal Courts, and embezzled by the native officers.

Second.—Whenever any native officer attached to a Civil or Criminal Court, may be charged with having embezzled any money or other property paid into, or deposited in, the court to which he is attached, or received by him in his official capacity, in execution of a decree, or on account of a deposit, or on any other account whatever; or whenever the judge or judges of a Civil or Criminal Court may

A summary inquiry to be instituted in such cases by the judge or judges of the court.

have reason to suspect any such embezzlement, on the part of a native officer attached to the court, they shall immediately institute a summary inquiry to ascertain the truth of such charge or suspicion; and shall, at the same time, require the native officer accused, or suspected, to give sufficient security for his attendance during the inquiry. In the event of such security not being given, and of its appearing necessary to keep the officer in custody, pending the inquiry, it shall be competent to the judge or judges to order the same, and to keep the party in custody of peons, or to confine him in the jail of the Dewanny Adawlut, until he shall give the required security, or his detention appear no longer necessary.

Security to be required for the attendance of the native officer.

Or the officer to be kept in custody.

Third.—When the summary inquiry has been completed, if it be established thereby, that any money or other property has been embezzled by the person accused, or suspected, in his official capacity, he shall be required to pay the same into court, within such time as may be limited for that purpose; and on his failure to comply with such requisition it shall be recoverable from him, as well as from his surety, if he have given security on account of the office held by him, by the usual process of recovery, in execution of judgments of the Civil Courts.

On proof of embezzlement, the amount how to be recovered.

Fourth.—A similar mode of proceeding shall be observed when a native officer attached to any Civil or Criminal Court of judicature may withhold any public accounts which it is his duty to prepare and furnish, and the summary judgment in such cases shall not only order the immediate delivery of the accounts withheld, but shall also impose such fine to Government as may appear just and proper, on consideration of all the circumstances of the case, and the situation of the party.

The same course to be pursued, when public accounts may be withheld by native officers.

Fifth.—Any person dissatisfied with the judgment of a zillah or City Court, given under the provisions of this Section, shall be at liberty to prefer a summary appeal thereupon under the rules applicable to such appeals, to the Provincial Court of the division; and provided sufficient security be given for performing the decree of the Provincial Court, on the appeal, the decision of the zillah or City Court shall not be carried into execution till confirmed by the Provincial Court.

A summary appeal may be admitted by the provincial court, from decisions passed in such cases, by the zillah and city judges.

Sixth.—In like manner, if the original summary judgment be passed by a Provincial Court, a summary appeal under the rules applicable to such appeals, shall lie to the court of Sudder Dewanny Adawlut; and the decree of the Provincial Court shall not be executed till it is affirmed by the Sudder Dewanny Adawlut; if sufficient security be given to perform the judgment of the latter court on the appeal.

And by the Sudder Dewanny Adawlut, from the decisions of provincial courts;

Seventh.—Provided, however, with respect to all cases decided, in the first instance, by a zillah or City Court, and afterwards determined on appeal by a Provincial Court, that no second appeal shall lie to the Sudder Dewanny Adawlut, except under the prescribed restrictions for second or special appeals in regular suits.—Nor shall final summary judgments, given under the provisions of this Section be open to a further regular suit, but shall be held conclusive upon the merits of all cases so adjudged.

Proviso.

A. D. 1817. REGULATION XIX.

A REGULATION for modifying and amending some of the Regulations in force relative to the administration of Civil Justice, and to the authorized summary process for recovery of arrears of rent.—Passed by the Vice-President in Council on the 16th September 1817; corresponding with the 2d Assin 1224 Bengal era; the 21st Bhadoon 1224 Fusly; the 3d Assin 1224 Willaity; the 6th Bhadoon 1874 Sumbut; and the 4th Ze Kadda 1232 Higeree.

Preamble.

WHEREAS it will promote the convenience of persons residing at a distance from the stations of the Provincial Courts, to allow an option of instituting in the zillah and City Courts, for trial in the first instance, original regular suits in which the cause of action may exceed five thousand, but not be more than ten thousand sicca rupees: and whereas it will also be convenient to persons residing at a distance from the zillah and City Courts, and having to sue for small sums within the cognizance of a moonsiff, that

that the moonsiffs appointed under Regulation XXIII, 1814, should be empowered to receive and try suits cognizable by them, in which the cause of action may have arisen within three years antecedent to the institution of the suit, instead of one year as limited by Section XIII, of the Regulation above mentioned: and whereas some of the Regulations now in force for the administration of civil justice, as well as the rules contained in Section XV, Regulation VII, 1799; Section XIV, Regulation V, 1800; and Section XXXII, Regulation XXVIII, 1803; for a summary process on account of arrear of rent, have been found to require amendment; the following rules are accordingly enacted for the several purposes above stated, to be in force as soon as promulgated throughout all the provinces immediately subject to the Presidency of Fort William.

Parts of former Regulations modified.

II. *First.*—So much of the Rule contained in the first clause of Section V, Regulation XXV, 1814, and of any other Regulation in force, as provides that all original suits in which the amount or value of the claim calculated in conformity with Section XIV, Regulation I, 1814, and Section XXIII, Regulation XXVI, 1814, may exceed five thousand sicca rupees, shall be instituted and tried, in the first instance, in the Provincial Courts, is hereby declared subject to the following modification.

Option granted to plaintiffs in cases of a certain amount or value, to institute their suits, either in the Provincial Court, or in the zillah or City Courts.

Second.—If the amount or value of the claim, calculated according the provisions of the Sections above specified, be more than five thousand, but not exceeding ten thousand sicca rupees, it shall be optional with the plaintiff to institute a regular suit, in the first instance, either in the Provincial Court of the division, under the rules now in force, or in the Dewanny Adawlut of the zillah or city in which the land, house, or other immoveable property, constituting the subject of the suit, may be situated; or if the suit be not for immoveable property, in the Dewanny Adawlut of the zillah or city in which the cause of action may have arisen, or the defendant may reside as a fixed inhabitant when the suit against him is commenced.

Explanation as to the option given to plaintiffs in the preceding Section.

III. *First.*—The option given by the preceding Section is not meant to extend to any suits already instituted in the Provincial Courts, nor to prevent, in future, an occasional exercise of the discretion vested in the court of Sudder Dewanny Adawlut by the first clause of Section III, Regulation XXV, 1814; viz. if it appear at any time from the pressure of business in a zillah or City Court, that suits depending therein, and exceeding one thousand rupees in amount or value, can be more conveniently and expeditiously tried, in the first instance, by the Provincial Court of the division, than by the zillah or City Court before which they may be depending, to order the transfer of all or any of such suits to the Provincial Court.

Plaintiffs may petition a Provincial Court for the transfer of a suit instituted in a zillah or City Court.

Second.—It shall be competent to any plaintiff or plaintiffs who may have instituted in a zillah or City Court a suit transferable to a Provincial Court under the above clause, to petition the Provincial Court for the transfer of such suit; and if sufficient reason appear for the transfer desired, such as considerable delay in the trial of the suit by the zillah or City Court, the Provincial Court will transmit the petition for the orders of the Sudder Dewanny Adawlut.

But prohibited from instituting a second suit in another court, for the same cause of action.
Penalty in such cases.

But all parties in suits instituted in a Provincial, zillah or City Court, under the option given by Section II of this Regulation, are strictly prohibited from instituting a second suit in another court on the same cause of action, under penalty of such second suit being dismissed with costs, and a fine to Government, as declared in similar cases by Section XII, Regulation III, 1793; and Section IX, Regulation II, 1803.

The existing provisions relative to cases, where the cause of action may be disputed, declared applicable to suits not exceeding two thousand rupees.

IV. The provisions contained in Section IV, Regulation XIII, 1808, and in the second clause of Section VII, Regulation XXVI, 1814, relative to suits in which the plaintiff in a zillah or City Court, may state his cause of action as not exceeding five thousand sicca rupees, and the defendant may, in answer, deny such statement, and allege the produce, amount or value, to be such as to render the suit not cognizable by the zillah or City Court shall be considered applicable to suits instituted in the zillah or City Courts as not exceeding ten thousand sicca rupees, under the option given by Section II of the present Regulation.

In suits for malgoozary land, not distinctly assessed, how the value of the property is to be assumed.

V. It being declared in Section XXIII, Regulation XXVI, 1814, that in suits for malgoozary land; not constituting an entire estate distinctly assessed, or a specific proportion of such estate, the value of the land claimed is to be assumed and estimated according to clause third, Section XIV, Regulation I, 1814; and a doubt having been entertained in what manner the rule cited in that clause from Section III, Regulation IV, 1793, and Section III, Regulation III, 1803, should be applied

to the valuation of malgoozary lands, not distinctly assessed for the public revenue in some cases, particularly in boundary disputes, when the judgment for or against the plaintiff may not occasion any alteration in the public assessment, it is hereby explained, that in all claims to a right of property, or to a permanent tenure of any description, in malgoozary land, not constituting an entire estate distinctly assessed with a sudder jumma payable to Government, or a specific proportion of such an estate, so as to come within the rule prescribed in the first clause of Section XIV, Regulation I, 1814, the value of the land sued for is to be assumed at its computed annual rent produce, as described in Section III, Regulation IV, 1793, and Section III, Regulation III, 1803. If the suit be not for a right of property, or for a permanent tenure, but for a farm leasehold of any denomination, during a limited term, or for any interest in the land during a limited period only; the valuation of the plaintiff's claim in pursuance of the Regulations above mentioned is to be made according to the nearest estimate that can be formed of the actual value of the thing sued for; or if the suit be for damages, the amount in which the plaintiff is endamaged.

In cases where the suit is not for a right of property, how the valuation is to be formed.

Right of appeal under Clause 3, Section III, Regulation XXV, 1814.

VI. *First.*—In all original regular suits which may be tried and determined in the first instance by the zillah or City Courts, under the provisions of this Regulation, a regular appeal will lie to the Provincial Court of the division, in pursuance of the third clause of Section III, Regulation XXV, 1814; subject to the general rules in force for such appeals.

Second or special appeals on such cases admissible under Section II, Regulation XXVI, 1814.

Second.—A second or special appeal from the judgments of the provincial courts in such cases will also be admissible by the Court of Sudder Dewanny Adawlut, under the restrictions established by Section II, Regulation XXVI, 1814.

Special appeals allowed in cases, where decrees passed by one or more courts are inconsistent with each other.

VII. *First.*—The restrictive provisions for second or special appeals, prescribed in the first clause of Section II, Regulation XXVI, 1814, allow of such appeals being admitted, when the judgment against which the appeal may be preferred shall appear to be inconsistent with some established judicial precedent: but this is not understood to include the case of two opposite or inconsistent judgments passed by the same court, or by two courts having jurisdiction in the same suit, or in suits founded on a similar cause of action; though in such cases it is obvious that one or both of the opposing judgments should be revised. It is therefore hereby provided, in addition to the grounds on which second or special appeals are declared admissible in the first clause of Section II, Regulation XXVI, 1814, that such appeals may be admitted when the judgment against which the appeal is preferred shall, from the exhibition of another decree of the same court, or of another court having jurisdiction in the same suit, or in a suit founded on a similar cause of action, clearly appear to be in opposition thereto, or inconsistent with such other judgment.

The court receiving an appeal, may proceed, and pass a final judgment, or refer the suit back for revision.

Second.—The court empowered to receive the special appeal in such cases shall be competent either to try the merits of the case, and pass a final judgment thereupon, or to refer the suit back for revision and a further judgment by the court which shall have passed the original decision, or that given on the first appeal.

Stamp-duty to be refunded in cases where appeals are referred for further investigation.

Limitation as to the fee to be paid to pleaders in such cases.

VIII. In the special appeals provided for by the foregoing Section, as well as in all other appeals, regular or special, under the Regulations in force, if the suit in appeal be referred back for further investigation and decision without a judgment upon the merits of the case, the stamp-duty paid by the appellant on his petition of appeal shall be returned to him; and if the appellant or respondent have appointed a pleader, his fee shall be limited to such sum as may be deemed an adequate compensation for his labour, not exceeding one fourth of the established fee in a regular suit.

Provisions rescinded.

IX. *First.*—Sections XXXII and XXXIII, Regulation XXVII, 1814, are hereby rescinded.

Rule for the payment of pleader's fees, in summary appeals and original summary suits.

Second.—The rule prescribed in the eleventh clause of Section III, Regulation XXVI, 1814, relative to the fee receivable by pleaders employed in the summary appeals referred to in that Section shall be hereafter considered applicable to all summary appeals and original summary suits authorized by the Regulations, in which a pleader or pleaders may be employed.

Deposits on account of pleader's fees in such cases not requisite;
But fees awarded on the decision of a case

Third.—It shall not be requisite to make any deposit in the first instance for the fees of pleaders employed in summary original suits or appeals. But whatever amount of fees may be awarded to pleaders on the decision of the case shall be paid into the court giving judgment for the same, by the party or parties declared responsible

sible for the payment thereof within such period as may be limited by the court for that purpose, under penalty for default of being compelled to make good, by the usual process of recovery, any additional sum which the court, in consideration of the delay, may judge it proper to award to the pleaders entitled thereto in such cases.

to be paid into court, under penalty of such further sum as the court may direct.

X. *First.*—The rule contained in the third clause of Section XXV, Regulation XXVII, 1814, that for every sum which may be paid by a Civil Court to a vakeel, on account of his fees, he shall give a receipt, written on the stamped paper prescribed in Section XI, Regulation I, 1814, is modified as follows.

Modification of the rule, which requires ſtampt receipts for pleader's fees.

Second.—When the aggregate amount of fees payable to a vakeel in two or more suits may not exceed sixteen rupees, he shall be allowed to give a consolidated receipt for the total amount, specifying the sum receivable in each suit; instead of a separate receipt for the fee payable in each suit.

If the fees in ſeveral ſuits do not exceed ſixteen rupees, one conſolidated receipt for the whole to ſuffice.

XI. The rule prescribed in Section XI, Regulation XXVI, 1814, for the examination of witnesses, whose evidence may be required by the Sudder Dewanny Adawlut, or a Provincial Court, upon distinct written interrogatories to each witness, to be prepared and signed by the parties or their vakeels, having been found productive of delay and inconvenience, when several witnesses are to be examined on a point or points not before investigated, a discretion is vested in the Court of Sudder Dewanny Adawlut, and the Provincial Courts to dispense with a strict observance of the rule above-mentioned in particular cases, when it may appear advisable. But in such cases the zillah or city judge, by whom the witnesses are to be examined, shall be furnished with specific instructions respecting the point or points upon which their evidence is to be taken; and the depositions of the witnesses shall, if practicable, be taken by the judge himself, or by his register, instead of being left to a native officer, as authorized in cases of necessity by Section XI, Regulation XXIV, 1814.

Diſcretion veſted in the Sudder Dewanny Adawlut and Provincial Courts, to diſpenſe with the rule requiring witneſſes to be examined on written interrogatories in ſpecial caſes.

On ſuch occaſions the judge to have ſpecific inſtructions, and to examine the witneſſes himſelf.

XII. By the first clause of Section XIII, Regulation XXIII, 1814, persons invested with the powers of moonsiffs under that Regulation, are empowered to receive and try suits cognizable by them, provided the cause of action shall have arisen within one year previous to the institution of the suit. This period is now extended to three years; and after the promulgation of the present Regulation it shall be competent to moonsiffs, appointed under the provisions of Regulation XXIII, 1814, to receive, try, and determine, any suit cognizable by them, the cause of action in which may have arisen within three years antecedent to the institution of the suit.

Extenſion of the period preſcribed by clauſe I, Sec. XIII, Regulation XXIII, 1814, for the trial of ſuits by moonſiffs.

XIII. *First.*—By Section XXI, Regulation V, 1812, and the second clause of Section II, Regulation VII, 1813, it is provided that suits instituted under Regulation V, 1812, shall, with a view to expedite their decision, be referred, as soon as instituted, for the report of the collector of the district. In some instances, however, a strict adherence to this rule has, from different causes, operated to retard instead of expediting the investigation and decision of the suits in question. The judges of the zillah and City Courts are therefore declared at liberty, in future, on the institution of summary suits under any of the provisions of Regulation V, 1812, either to refer the same for adjustment, and report to the collector of the district, or to investigate and decide such suits themselves, without reference to the collector, or to refer them for investigation and decision to their registers, as may appear most conducive to the speedy trial and determination of the suit in each instance.

The ſeveral judges inveſted with a diſcretionary power, to try ſummary ſuits inſtituted under Regulation V, 1812.

Or to refer them to the collector.

Or to their regiſters, as may appear beſt calculated to enſure a ſpeedy deciſion.

Second.—The judges of the zillah and City Courts are at the same time enjoined to refer, for the collector's adjustment and report, as heretofore, all suits which are so referable under the Regulations in force; and which the judges themselves, or their registers, may be unable to try and determine without delay.

Such ſuits however to be referred to the collectors, when the judges or regiſters cannot decide upon them without delay.

XIV. A question having arisen whether the registers of the zillah and City Courts are competent to refer suits to the collectors for adjustment and report, it is hereby explained, that registers when not officiating as judges are not competent to make such references to the collectors of their own authority. But whenever a regular suit of the nature described in Section XIII, Regulation VIII, 1794, and Section II, Regulation VII, 1813, or a summary suit referable to the collector of the district, under Section XV, Regulation VII, 1799, Section XIV, Regulation V, 1800, Section XXXII, Regulation XXVIII, 1803, Section XXI, Regulation V, 1812, or any other Regulation in force, may be depending before the register of a zillah or City

Regiſters when not officiating as judges, declared incompetent to refer ſuits to the collectors.

Rule of proceeding in caſes where ſuits inſtituted under the exiſting Regulations may be depending before a regiſter.

Court, and the register shall be of opinion that an adjustment of accounts by the collector will facilitate the investigation, and expedite the decision of such suit, he shall report the same to the judge, who, if he concur with the register, will make the proposed reference to the collector, in the manner prescribed by the Regulations; and on receiving the collector's report will transmit the same to the register before whom the suit may be depending, unless the judge shall think it proper to recall the suit from the register's court, and transfer it to his own, as authorized, for the more speedy administration of justice, or other reason, by Section X, Regulation XXIV, 1814.

Petitions for the arreſt of defaulting under tenants, and their ſureties may be preſented to the judge of the zillah or city, in which the defaulter ſhall at the time reſide.

XV. *First.*—The provisions for a summary process against defaulting under-tenants and their sureties, contained in Section XV, Regulation VII, 1799, Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803, suppose the under-tenant and his surety, at the time of a petition being preferred for their arrest, to be within the zillah or city jurisdiction, in which the land for which the arrear of rent is claimed (or the greater part of it, if in two jurisdictions), may be situated, as the summary inquiry provided for could not be regularly or conveniently made in a different jurisdiction; but to prevent an evasion of the authorized process against defaulting under-tenants and their sureties, it is necessary to make further provision for their arrest, when they may not reside, or be found within the limits of the zillah or city in which the land tenanted by the defaulter is situated. It is therefore hereby provided, that whenever a dependant talookdar, khutkinadar, jotedar, or other under-tenant, or the surety of any such under-tenant, from whom an arrear of rent may be due, and who may have failed to discharge the same on demand, may reside, or be in a zillah or city, different from that wherein the land for which the arrear of rent is due may be situated, it shall be competent to the zemindar, or other proprietor or farmer of the land, to whom the arrear of rent may be owing, or his authorized agent, to present a petition specifying the particulars stated in the following clause, and praying for the arrest of the defaulter, or his surety, to the judge of the zillah or city in which the defaulter or his surety may reside or be; and the judge receiving the same shall immediately issue the process of arrest directed in the third clause of Section XV, Regulation VII, 1799, and the corresponding clause of Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803.

Who is immediately to iſſue the preſcribed proceſs of arreſt.

What ſuch petition is to contain.

Second.—The petition of arrest to be presented under the above clause, as well as any petitions for the arrest of defaulting under-tenants or their sureties, which may be hereafter presented under the Regulations above mentioned, shall specify, besides the name and residence of the defaulter and surety, and the mehal for which the balance of rent is claimed, the annual jumma of such mehal; the amount demandable for the kists of the current year which may have become payable; the amount received from the tenant or his surety, and the balance actually due for the payment of which the arrest is desired. The petition shall also state whether the arrear claimed has been demanded from the defaulter or his surety, and the result.

How the judge is to proceed, in caſe a defaulter after ſuch arreſt ſhall not ſatisfy the party aggrieved.

Third.—If the defaulter or surety against whom process of arrest may be issued under the first clause of this Section be found within the jurisdiction of the judge by whom the same shall have been issued, and after being arrested he shall not pay the arrear demanded, or satisfy the party causing his arrest, and shall in consequence be brought to the local Civil Court, in pursuance of the Rule contained in the Regulations before noticed, the judge shall call upon him to show cause why he should not be sent to the judge of the zillah or city in which the land for which the arrear is claimed (or the greater part of it, if in two jurisdictions) may be situated; and if sufficient cause be not assigned, or substantial security given for attending the judge of the jurisdiction in which the land is situated within a limited period, the party arrested shall be sent in custody of mohussil peons (at the charge of the party claiming the arrear) to the judge of the zillah or city in which the land may be situated. A statement of the case, with the original petition of arrest, and all other papers connected with it, shall at the same time be transmitted for the information of the judge to whom the party in arrest may be sent in such cases. The petition of arrest, and all papers connected with it, shall likewise be sent to the judge of the zillah or city in which the land may be situated, whenever the party arrested may assign sufficient cause for not being sent as directed; or may give security for his attendance, which shall be accepted whenever substantial security may be offered.

Or ſhall not furniſh ſecurity for his appearance before the judge of the zillah, on which the land is ſituated.

What documents are to accompany the defaulter on ſuch occaſions.

In caſes where ſecurity is furniſhed, the petition of arreſt and papers connected with it, only to be forwarded.

Fourth.

Fourth.—When a defaulting tenant or his surety may be brought to the court of the zillah or city in which the land is situated, or may attend under security for his appearance, in pursuance of the foregoing clause, the judge shall proceed, as directed in similar cases, by the Regulations in force, when the defaulter or surety may have been arrested within his own jurisdiction.

Judge of the zillah or city where the land is situated will then proceed againſt a defaulter as directed by the Regulations.

XVI. *First.*—Section XV, Regulation VII, 1799; Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803, not containing any provisions for admitting alleged defaulters or their sureties to bail, whilst the prescribed summary inquiry is depending before the judge, register or collector; the following additional rule is enacted for the guidance of the zillah and City Court in such cases.

Rule for admitting defaulters and their ſureties to bail.

Second.—Whenever a dependant talookdar, kutkinadar, or other under-tenant of land or his surety, may be arrested on the demand of an arrear of rent, under the summary process authorized by the Regulations specified in the preceding Section, and may deny that the arrear demanded, or any part of it, is owing, and such under-tenant or surety shall tender sufficient security for his personal attendance during the prescribed summary inquiry, it shall be competent to the judge to receive such security, and to admit the tenant or surety to bail until the inquiry directed to be made in such cases, by examining the accounts and vouchers of the parties, or by referring the case for adjustment to the collector of the district, shall be completed, and a decision passed thereupon.

Judge on receiving ſufficient ſecurity may during a ſummary inquiry admit a defaulter or ſurety to bail.

A. D. 1817. REGULATION XX.

A REGULATION for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of darogahs and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process, and for requiring further aid to the Police, in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of villages.—Passed by the Vice-President in Council on the 7th October 1817; corresponding with the 23d Assin 1224 Bengal era; the 12th Assin 1225 Fussily; the 24th Assin 1225 Willaity; the 12th Assin 1874 Sumbut; and the 25th Zekaad 1232 Higeree.

WHEREAS it is desirable that the several rules which have from time to time been enacted respecting the duties of the darogahs and other subordinate officers of police should be revised; and that such provisions as may be necessary should be framed into one regulation, for the better information and guidance of those officers: and whereas it is expendient that the rules at present in force regarding the resistance or evasion of criminal process should be modified; that the proprietors and farmers of land and their local managers, and the munduls, putwarries, and other heads of villages, should be declared responsible for reporting unnatural or suspicious deaths, and for affording due information to the police whenever any individual of suspected conduct, released from the criminal jail, may resort to dishonest means of livelihood; also that they should be declared liable to penalties for neglecting to afford due aid in supporting the processes of the magistrates and darogahs of police; and that further provision should be made for transmitting the thannah reports and other papers to and from the magistrates court where there may not be any public dawks, the following rules have been enacted, to be enforced on their promulgation throughout the provinces subject to the Presidency of Fort William.

Preamble.

Provisions of Regulations rescinded.

II. *First.*—Sections VII, VIII, IX, XI, XII, XIII, XIV, XV, XVII, XVIII, XIX, and XXI, of Regulation XXII, 1793; the Seventh Clause of Section XX, Regulation XXIX, 1793; the Seventh Clause of Section X, Regulation XXXI, 1793; Sections VII, VIII, IX, XI, XII, XIII, XIV, XVI, XVII, XVIII, and XIX, of Regulation XVII, 1795; Section IX, of Regulation IV, 1797; Section VI, of Regulation IV, 1798; the Third Clause of Section XI, Regulation VI, 1801; Section VII, Regulation XXXII, 1803; Sections VII, VIII, IX, XI,

Proviſions of regulations reſcinded.

XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, and XXV, of Regulation XXXV, 1803; the Seventh Clause of Section X, Regulation XXXVII, 1803; Sections V and VI, of Regulation XLI, 1803; Sections XII, XIII, XV, XVI, XVII, and XVIII, of Regulation IX, 1807; Sections IX and XII, of Regulation XIV, 1807; Sections VI and VII, of Regulation XVII, 1810; and Sections II, and VII, of Regulation VII, 1811, are hereby rescinded.

Provisions of regulations rescinded.

Second.—So much of Sections X and XVI, Regulation XXII, 1793; Sections X and XV, Regulation XVII, 1795; Section IX, Regulation VII, 1799; Section III, Regulation IV, 1800; Sections X and XVI, Regulation XXXV, 1803; Section XIV, Regulation IX, 1807; and Section XI, Regulation I, 1811; as respects the police darogahs or other subordinate officers of the police, is also recinded.

Appointment and removal of Police-Officers.

Appointment and removal of police-officers in whom vested.

III. *First.*—By the provisions of Regulation XVII, 1816, the zillah and city magistrates (and in certain cases, the superintendents of police) are vested with the power of appointing the cotwals, darogahs and other subordinate officers of the police, of removing them from one station to another, and of suspending and dismissing them from office in consequence of neglect, misconduct, or incapacity.

Cutwals and darogahs, not to nominate subordinate police-officers, except when especially directed.

Second.—Such part of Section XII, Regulation V, 1814, as relates to the nomination and removal of naebs, jemadars and burkendauzes, acting under cutwals and darogahs, is hereby rescinded, nor shall the cutwals or darogahs nominate individuals to supply vacancies in their subordinate establishment, except in instances in which they may be especially directed to do so by the magistrate.

Sunnud to be furnished by magistrates to police-officers, on their appointment.

Third.—The magistrates will furnish to each police-officer on his appointment, a written document under his official seal and signature, specifying the station to which the officer is appointed, and requiring him to perform the duties of it, in conformity with the regulations.

Relative rank and general functions of Officers on the Thannah Establishments.

General duties of darogahs, and their control over the subordinate thannah officers.

IV. *First.*—The darogahs of police shall exercise a general control over the mohurers, jemadars and burkendauzes attached to their respective thannahs; it shall be the duty of a darogah, or other officer of police in charge of a thannah, to conform to all instructions he may receive from the magistrate, to whom mhe ay be subordinate; to preserve the peace within the limits of his jurisdiction; to report to the magistrate all occurrences connected with the police, which may come to his knowledge; to prevent, as far as possible, the commission of all criminal offences; to discover and apprehend offenders; to execute process, and obey all orders transmitted to him by the magistrate, and to perform such other services as are prescribed in the regulations.

Rank and special duties of the mohurer.

Second.—The mohurer shall be considered the second officer at a thannah, and in the absence of the darogah from his station shall exercise the powers vested in that officer by the provisions of this regulation. It shall be the special duty of the mohurer to preserve the records of the thannah, and to write the reports and other papers under the direction of the darogah.

Rank and special duties of the jemadar.

Third.—The jemadar shall be considered as the third officer at a thannah, and in the absence of the darogah and mohurer from the thannah station shall exercise the same powers as are vested in the darogahs of police by the provisions of this regulation. The police jemadars, whether stationed at the thannahs, or at out-posts, shall act under the orders of the darogah of the division, and shall see that the burkundauzes are in attendance at their posts, that their arms and accoutrements are kept in a state of efficiency; and that all prisoners and property brought to the thannah are duly guarded during the time they may remain under the custody of the police burkundauzes attached to the station.

Police-officers generally to obey the orders of the superintendents of police, and joint and assistant magistrates.

Fourth.—The officers of police, in pursuance of Sections VI, and VII, Regulation X, 1808; Sections VIII, XI, and XII, Regulation XVI, 1810; and Section XI, Regulation XVII, 1816, are required to aid and support the superintendents of police, and the joint and assistant magistrates, to whom they may be respectively subordinate, in the execution of any process issued by them under their official seals and signatures; also to furnish the superintendents of police, and the joint and assistant magistrates, with every information required from them, as well as generally

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to obey all orders issued to them by the superintendents of police, and by the joint or assistant magistrates, on pain, in case of neglect or failure, of being fined, suspended, or dismissed from office, under the authority, or at the representation of the superintendent of police, or joint or assistant magistrate, according to the provisions established by the general regulations for the punishment of offences of that description.

Rules regarding the use of the Seal of Office at each Thannah, and the Badges, Arms and Accoutrements of the Police Burkundauzes.

V. *First.*—All cutwals and police darogahs shall henceforward use a brass seal of office, an inch in diameter, and made after the form described in the margin, the name of the cutwalee or thannah, and the name of the city or zillah in which it may be included, being engraved on the surface of the seal.

Cutwals and police darogahs, to use a seal of office.

Its description.

Second.—The police burkundauzes shall wear brass badges, engraved with the name of the police-station, and of the district in which they may be employed; and shall be armed with a spear, and a sword and shield; or with a matchlock, sword and shield, or with a spear and matchlock, as circumstances may render expedient; they shall also be uniformly dressed in such manner as may be prescribed by the court of Nizamut Adawlut through the superintendent of the police.

Burkundauzes to wear a certain badge; its description. Their arms and uniform.

Powers and duties of Police-Officers employed at out-posts.

VI. *First.*—Police-officers stationed with the sanction of the zillah or city magistrate, at any chokee, village, ghaut, highway, or other place within the limits of a thannah, in pursuance of Section VIII, Regulation XVII, 1816, shall be guided by the following rules as prescribed in that section.

Police-officers stationed at out-posts, how to be guided.

Second.—Jemadars, burkundauzes and other police-officers stationed at out-posts, or subordinate chokees, shall act under the control of the darogah or head police-officer of the thannah to which they may be attached, and shall afford their aid for the prevention of crimes, the apprehension of criminals, and generally for the preservation of the peace, and shall report to the thannah all occurrences relating to matters of police which may come to their knowledge.

Officers so stationed, to perform their prescribed duties, under the control of the darogahs.

Third.—The officers of police stationed at out-posts shall be competent to apprehend, without a written charge or warrant, persons found in the act of committing a breach of the peace, or against whom a hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, or who may be liable to apprehension, under the rules in force, as proclaimed, or notorious robbers, or vagrants, without any ostensible means of subsistence; but no person shall be arrested by the subordinate officers of police except in cases of the nature above noticed, unless under the special warrant of the magistrate, or of the darogah of the thannah to which the out-post may be attached.

They may apprehend certain description of criminals, without a warrant from magistrate or darogah.

Fourth.—Persons apprehended by the subordinate establishments of police shall be forwarded immediately to the thannah to which the out-post may belong, accompanied by an explanation of the circumstances of the case, and of the causes which may have led to the apprehension of the prisoner.

Persons so apprehended to be forwarded immediately to the thannah, with a report on the cases.

Rules regarding the application of Police-Officers for leave of Absence, and the deputation of Burkundauzes to the Sudder Station.

VII. *First.*—Any police darogah, mohurrer, or jemadar, applying for leave of absence, shall name an individual for the approval of the magistrate, to officiate for him during his absence, and the person who may be appointed to act shall receive, during his absence, the entire allowances of the police-officer for whom he may officiate, or such part thereof as the magistrate shall, in each instance, judge it proper to fix. The burkundauzes shall submit their applications to the magistrate through the darogahs; and the persons nominated to act during their absence, shall receive the entire salaries of the individuals for whom they may officiate, or such part thereof as may be fixed by the magistrate. In the event of the absentee's exceeding the period of his leave, the darogah shall report the circumstance for the orders of the magistrate.

Appointment and salary of persons officiating for police-officers, how to be regulated.

Burkundauzes dispatched to magistrate's court shall be provided with a certificate. Appendix N°. 1.

Second.—Whenever a burkundauze may be dispatched to the magistrate's court, the jemadar or other police-officer by whom he may be dispatched shall deliver to him a certificate, showing the name of the burkundauze, and the date and time of his dispatch, agreeably to the first three columns of the form No. I. of the Appendix.

Which is to be presented to the Nazir, who shall report any delay.

Third.—On the arrival of the burkundauze at the sudder station he shall proceed to the nazir of the fouzdarry court, who will insert in the fourth column of the paper the date and hour of his arrival, and in the event of any unnecessary delay appearing on comparing the date of his dispatch from the thannah with that of his arrival at the sudder station, will report the circumstance to the magistrate.

Burkundauzes how to proceed on leaving the sudder station.

Fourth.—On the departure of the burkundauze from the sudder station he shall again proceed to the fouzdarry nazir, who will note in the fifth column the date and time of his departure, and on his arrival at the thannah station the certificate shall be delivered up to the darogah, mohurer or jemadar, who in the event of the burkundauze having loitered on the road will report the particulars for the orders of the magistrate.

Records to be kept and preserved at the Thannah.

Police darogahs and mohurers carefully to preserve and to promulgate all regulations of government sent to their thannahs.

VIII. *First.*—The police darogahs and mohurers are enjoined to bind up, separately from all other records, and to preserve with care, the several regulations of Government which may be sent to their respective thannahs; and they shall also cause the same to be publicly read for general information, and shall take every favourable occasion of promulgating the rules therein contained.

Rules for the care, preservation and inspection of the thannah books and registers.

Second.—The books and registers alluded to in the following Clauses of this Section shall be kept up with regularity at the several police thannahs; and darogahs and mohurers, on their appointments to police stations, are required to inspect the records, and to report to the magistrates on the general state of the thannah papers, within ten days after receiving charge. Every police darogah, or thannah mohurer, receiving charge of the records of a police-station, shall sign a list of the records delivered over to him, which shall also be signed by the officer delivering over charge; and the list so authenticated by their joint signatures shall be transmitted to the magistrate. An exact counterpart authenticated in the same manner shall also be kept at the thannah. The magistrates and their assistants, and the joint magistrates who may occasionally visit the thannahs, shall avail themselves of any opportunities that may offer to inspect the records, and in the event of their being found deficient, or of any gross neglect in the care of them, the police darogah and mohurer who may appear culpable, will be liable to dismission, or to a fine, according to the circumstances of the case.

Darogahs to be furnished with blank books for diaries.

Third.—The police darogahs shall severally be furnished with blank books for diaries, each book containing 100 pages, to be signed and numbered by the magistrate's assistant, if on the spot, or in his absence by the serishtadar, or other head ministerial officer of the magistrates court.

In these, every occurrence to be entered.

Fourth.—Every occurrence which may be brought to the knowledge of the officers of police shall be entered in the thannah diary, on the day on which the event may be communicated to the thannah, and if no incident shall be communicated it shall be so noted in the diary.

What circumstances to be entered when prisoners are apprehended.

Fifth.—The darogahs shall enter in their diaries the names of all persons whom they may apprehend, the crime or misdemeanor with which they may be charged, the date of their apprehension, and the date on which they may be dispatched to the magistrate.

The purport of every petition, &c. to be entered.

Penalty for darogah's wilful omission or misrepresentation of any official act.

Sixth.—The purport of every petition, representation, complaint, or information presented to any officer of police, shall be recorded in the diary of the thannah, whether the same may be cognizable by the native officers of police or otherwise; and if it be proved that a darogah has apprehended any persons, or issued orders, or done any official act which he may not have inserted and truly stated in his diary, or that any occurrences have been wilfully omitted, he shall be punished with dismission from office or by such other penalty as the circumstances of the case may appear under the general regulations to require.

Seventh.

Seventh.—Every entry made in the diary shall be attested by the signature of the individual by whom it may be recorded. Entries, how to be atteſted.

Eighth.—The darogah, or other officer of police presiding at the thannah, shall be careful to report to the magistrate, at least a month before their diary books are likely to be written through, in order that fresh blank books may be furnished to the thannah without delay, and those diary books which may be completed shall be deposited in the records of the thannah. Rules for furniſhing new diary books, when required.

Ninth.—A book shall be kept, containing copies of all urzees, kyfeuts, reports and returns, made by the officers of the thannah establishments to the magistrate's court. A book to be kept, containing copies of reports, returns, &c.

Tenth.—A book shall be kept, containing copies of all perwannahs and orders of every description received from the magistrate's court. A book to be kept, containing copies of perwannahs and orders.

Eleventh.—A book shall be kept, containing copies of all chelauns or dispatches of prisoners and property forwarded to the magistrate's court, drawn out agreeably to the forms Nos. 2 and 3 of the Appendix. A book to be kept, containing copies of chelauns.

Twelfth.—An abstract register shall be kept of robberies and other heinous offences, ascertained to have been committed within the jurisdiction of the thannah, in each month, drawn out after the form No. 4, of the Appendix. A book to be kept, containing copies of regiſter of heinous offences.

Thirteenth.—A book shall be kept, containing copies of all lists of stolen property delivered into the thannah by prosecutors or others. A book to be kept, containing copies of liſts of ſtolen property.

Fourteenth.—A register shall be kept, according to the form No. 5, of the Appendix, of offenders who may have been proclaimed, or may have broken jail, or have otherwise eluded the pursuit of justice, and for whose apprehension orders may have been received at the thannah from the magistrate's court. A book to be kept, containing copies of proclaimed offenders.

Fifteenth.—A list shall be kept of the names of the villages comprised within the limits of the thannah, showing the names of the proprietors and of the village watchmen, agreeably to the form No. 6, of the Appendix. A book to be kept, containing copies of a liſt of villages compriſed within the thannah juriſdiction.

Rules regarding returns, reports and statements to be sent to the Magistrates, or to the Superintendents of Police.

IX. *First.*—An extract from the thannah diary, in lieu of the buhee silaheut at present in use, and from the abstract register of robberies, and other heinous offences, No. 4, above prescribed, containing the entries made during the month, shall be prepared verbatim, and transmitted to the office of the magistrate, on or before the 5th of every ensuing month. What abſtracts and other documents ſhall in future be tranſmitted to the magiſtrate.

Second.—Together with the monthly reports to be transmitted to the magistrate as above directed, the darogahs of police shall forward, under their official signature, and in charge of a burkundauze, a list of the police-officers on the thannah establishment entitled to receive pay from Government for the past month, after the form No. 7, of the Appendix. This list, the burkundauze will deliver to the treasurer of the fouzdaree court, on his receiving the pay of the thannah establishment, which shall forthwith be conveyed to the darogah, or other police-officer in charge of the thannah, who will pay the amount due to the several individuals of the establishment, and transmit their receipts with his own, in a paper, corresponding in substance with the form above mentioned, to remain with the records of the magistrate's court. A liſt of the thannah officers entitled to pay, to be ſent monthly to the magiſtrate. Rules for their payment.

Third.—In preparing the abstract monthly statements of heinous offences according to the form No. 4, of the Appendix, the darogahs shall pay strict attention to the following rules. Rules to be obſerved in preparing abſtract monthly ſtatements of heinous crimes.

Fourth.—The darogahs shall, as far as may be in their power, distinguish wilful and malicious murder (kutli-umd) from every other species of homicide, reporting all cases of murder not accompanied with robbery or burglary under the 5th head, and cases of homicide of every other description, excepting homicide in affrays, under the 11th head of the statement. Wilful murder to be particularly diſtinguiſhed. Rules for the claſſification of homicide, not wilful.

Malicious wounding or injuring ſimply, how to be claſſed.

Fifth.—Under the 6th head the darogahs shall insert all cases of wounding, or violent corporal injury inflicted maliciously, and not in the prosecution of robbery or burglary, or during an affray.

Affrays attended with wounding or killing, or violent breach of public peace, how to be claſſed.

Drunken broils and aſſaults not to be included under that head.

Sixth.—Under the 12th head of the statement all affrays and riots shall be entered, in which any considerable number of persons may have been concerned, or in which any person may have been killed or wounded, and the public peace may have been disturbed; but it shall not be necessary to include in this column cases of assault and battery, or drunken broils, in which only a few individuals may have disputed, and no very serious personal injury may have been sustained.

All caſes of entering or breaking into, at any time, or by any means, houſes, boats, &c. with intent to rob, how to be claſſed.

Seventh.—Under the 13th and 14th heads of the statement all cases shall be entered in which any person may enter or attempt to enter by day or by night, by breaking any dwelling-house, warehouse, storehouse, or other building, or place used for the custody and preservation of property, whether the same be constructed of stone, brick, mud, bamboo, grass, or other materials, or into a tent, boat, or other place of habitation, whether such entry be effected by cutting through or under the wall, or by forcibly raising the roof of the house, or by any other means, attended with breaking, and whether in pursuance of the intent to commit such robbery any property shall be carried away or otherwise.

Receiving of ſtolen property, how to be claſſed.

Eighth.—Under the 17th head all cases shall be entered of receiving, vending, or concealing, or melting down stolen property.

Arſon, ditto.

Accidental fires, not to be included.

Ninth.—The 18th head of the statement shall include only those cases of arson in which any habitation or other property may appear to have been purposely and maliciously fired, and the darogah shall not include accidental fires under this head.

Suicide, how to be entered

Tenth.—Under the concluding or 20th head of the statement, the darogah shall insert all cases in which the person destroyed may appear to have been the immediate and voluntary cause of his own death.

All heinous offences to be reported, though the offenders be not diſcovered. Unſucceſsful attempts to commit offences how to be diſtinguiſhed.

Eleventh.—The darogahs shall report in the statement above prescribed all heinous offences which may come to their knowledge, whether the offenders may be apprehended or otherwise, and shall distinguish, in the third column, all attempts in which the criminal intent may have failed; inserting in the second column only those cases in which the crime may have been actually perpetrated.

Form No. 4, to be periodically tranſmitted to the ſuperintendants of police.

Twelfth.—A monthly report of crimes and offences, agreeably to the form No. 4, of the Appendix, shall be transmitted by the police darogahs from each police thannah, to the office of the superintendent of police for the division, on or before the 5th of the ensuing month.

Rules for writing and dating of all reports; examinations to be tranſmitted to the magiſtrates.

Thirteenth.—The reports and returns submitted by the police-officers to the magistrates shall be written in a clear and legible hand, and shall bear at the foot of the writing the date of the dispatch, according to the era current in the district, and the signature of the police-officer by whom the report may be made, and, when the circumstances may admit, the seat of the thannah; all examinations taken and proceedings held by the police-officers shall be superscribed with the date and month of the era current in their several jurisdictions.

Rules to be obſerved in tranſmitting papers to the fouzdary court.

Fourteenth.—The papers transmitted by the police-officers to the fouzdarry court shall be strung on a thread, the ends of which shall be secured with wax, and the record of each case shall be made up in a separate envelope, and addressed to the magistrate of the district; the name of the thannah, from whence the report may be made, shall be marked on the envelope.

Limited time for the execution of orders and proceſſes to be ſpecified by the magiſtrate.

Fifeeenth.—Every process and order addressed by a magistrate to a police officer shall limit a certain time in which it is to be served, executed, and returned to the magistrate's court.

Returns to orders, how to be written and regiſtered.

Sixteenth.—The returns to all orders and processes, and the certificates of the due publication of all proclamations, addressed by the magistrates to the police-officers, shall be indorsed, as far as the size of the paper will admit, on the original order or process; and if the length of the return should render it necessary, a separate paper shall be annexed to the original document; and a copy of the return shall be entered in the register prescribed by Clause IX, Section VIII, of this Regulation.

Seventeenth.

Seventeenth.—The police-officers shall, to the extent of their ability, carry into effect such instructions as they may receive within the period specified in the magistrate's order; and if the directions contained in the order or process cannot be entirely carried into effect within the time limited, a report shall be made, at the expiration of such period, of the cause of delay, with specific information when a further and full return will be made, and the original order or process shall be sent to the magistrate, with such final return, indorsed as directed in the preceding Section.

In the event of delay in making ſuch returns, the cauſe to be reported at the expiration of the ſpecified time.

Eighteenth.—The darogahs and mohurrers shall be careful to render their reports and returns in as precise terms as possible, and they shall refrain from recapitulating in their returns a detail of the magistrate's orders; and when referring to such orders shall merely state, summarily, the nature of the case and the date of the perwannah.

Reports to be accurate and concife.

Rules regarding Dawks, and for expediting the transmission of Official Papers to and from the Thannahs.

X. *First.*—To facilitate the communication between the magistrate's court and the stations of the darogahs of police, and to enable the magistrates to obtain speedy information of the occurrence of crimes, as well as with the view of preventing the unnecessary confinement of persons who may be detained in custody pending an inquiry of the police-officers, or trial before the magistrate, the magistrates and the native officers of police are required to attend, as far as may be practicable, to the directions contained in the following rules.

Importance of ſecuring the ſpeedy tranſmiſſion of information.

Second.—The superintendence of the dispatch by dawk of perwannahs to the police darogahs, and of reports from the officers of police to the magistrate's court, shall be intrusted to the nazirs of the Criminal Courts, and to the thannah mohurrers, who shall be held responsible for the speedy transmission of the packets to and fro; and shall report to the magistrates all instances of delay which may come to their knowledge.

Superintendence of diſpatches by dawk, in whom veſted.

Third.—As far as circumstances may admit, the magistrate's orders to his police-officers, and the thannah reports, whether addressed to the magistrates or to the superintendents of police, shall be transmitted by the Government dawk; and all dawk-officers in the Company's provinces are required to receive and convey, free of expense, such orders and reports, the same being superscribed with the name and official designation of the public officer by whom the papers may be dispatched; together with the words "Kar Surkar," to denote that they relate to the public service.

All Government dawk-officers throughout the provinces to convey orders and reports free of expenſe.

Fourth.—In cases where a thannah station may be situated at a considerable distance from the route of the Government dawk, the magistrates, in communication with their police-officers, shall establish dawk-stations between the thannahs, or from the thannahs to the magistrate's court, at proper distances, according to local circumstances, but not in any instance exceeding five coss, and the land proprietors and farmers of land, or their local managers, shall be called upon to name and appoint the requisite number of peons or pykes (not being village watchmen) for the performance of this duty. In places where no establishment of regular police-officers may be stationed, they shall also be required to fix on a particular house in the village, where the peons or pykes may at all times be found without delay, and to name the mundul, putwaree, or other person in the village, whose business it shall be to receive and forward the papers transmitted by the dawk; a statement, after the form No. 8, of the Appendix, shall be prepared and kept up at each thannah station; and it shall be the duty of every darogah, on his appointment to a thannah, to see that this paper is included in the records of the thannah, as well as that the dawk for the conveyance of the magistrate's perwannahs and the thannah reports is duly regulated, and the peons or pykes maintained by the landholders, farmers or managers, at the appointed stages.

Eſtabliſhment of ſubordinate dawk-ſtations.

Peons and pykes to be appointed by zemindars for this duty, where there is no regular dawk.

General duties of darogahs on this point.

Fifth.—The landholders, proprietors, and farmers of land, with their local managers and heads of villages, shall be held responsible for a due observance of the foregoing rules, and shall be liable, on proof before the magistrate, of wilful disregard of these provisions, especially after a previous admonition, to be punished by a fine not exceeding 100 rupees, commutable, in default of payment, to confinement in the civil jail for any period not exceeding one month.

Penalty in caſe of landholders, &c. neglecting the above rules.

Rule to prevent delay in tranſmiſſion of papers by ſuch dawks.

Sixth.—The nazir of the magistrate's court shall forward by the dawk, every day at the same hour (except when otherwise specially instructed by the magistrate) all perwannahs and papers addressed to the respective thannahs, which the magistrate may direct to be transmitted by the dawk; and shall write on the envelope of each packet the date and time of dispatch. It shall likewise be the duty of the nazir to record on the envelope of all reports received from the thannahs the date and time of their receipt.

Further rules for the tranſmiſſion of thannah reports.

Seventh.—All reports and papers transmitted by the dawk from the police thannahs shall be addressed to the magistrate, and the seal of the thannah shall be affixed to the envelope; the mohurrer shall specify on the envelope the date and hour of dispatch; and in cases where the papers of one thannah may be left at another thannah on their transmit to and from the magistrate's station, the mohurrer of the latter thannah shall forward such papers, noting on the back of the envelope the date and hour of the arrival and departure of the dawk.

Darogahs to tranſmit, by dawk or otherwiſe, reports and papers intruſted to them by the native commiſſioners.

Eighth.—The police darogahs and their mohurrers are required to forward by the thannah dawk, or by the hands of their burkundauzes, as occasions may offer, such reports and papers as may be sent to them by the native Commissioners for the trial of civil suits, for the purpose of transmission to the judge of the district; and they shall grant receipts to the native Commissioners for such papers as may be delivered to them.

Prohibiting various irregular practices on the part of the Police-Officers.

Police-officers ſhall not trade.

XI. *First.*—No police darogah, mohurrer, jemadar, or burkundauze shall trade or keep any warehouse or shop for wholesale or retail, within the limits of the thannah to which he may be appointed.

Darogahs ſhall not employ police-officers on their own private affairs.

Second.—The darogahs of police are prohibited from employing the burkundauzes of their thannahs on their own private affairs, under penalty of fine and dismission from office.

Penalties in caſe of a police-officer's receiving or demanding money from any of the parties in a criminal proceſs.

Third.—Whenever a summons or warrant, or other criminal process, may be served by a burkundauze, or other police-officer receiving pay from Government, no diet money, or other allowance or gratuity, shall be demanded or received from the complainant or the accused, or from any witness or other person; and the demand or receipt of such by any police-officer, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence on conviction before the magistrate or Court of Circuit. The offender shall also be compellable, either on a criminal prosecution, or by a civil action, to refund the amount received, besides being liable to immediate dismission from office, under the provisions contained in the existing Regulations.

Darogah to prohibit the permanent employment, at his thannah, of the agent of any landholder or farmer.

Fourth.—The police darogahs are enjoined, under penalty of dismission from office, not to permit any established vakeel or mokhtar to be permanently employed at their thannahs, on the part of any landholder, farmer, local agent or other person. But this rule is not meant to preclude the occasional employment of a vakeel or mookhtar, for any specific purpose when it may be necessary.

Without ſpecial authority no darogah ſhall employ a vakeel at the magiſtrate's court on official buſineſs.

Fifth.—The darogahs and other mofussil police-officers are prohibited from employing any mokhtar or vakeel at the station of the zillah or city magistrate for the purpose of receiving and transmitting the salaries of the thannah establishment, or for any other purpose connected with their public functions, except in particular cases wherein they may be specially authorized by the magistrate to employ a vakeel.

Except in caſes of emergency, no extra mohurrers ſhall be employed at thannahs, without ſanction of the magiſtrate.

Sixth.—No mohurrers or writers, excepting those on the police establishments paid by Government, shall be employed at the thannahs without the previous sanction of the magistrate, except in cases of emergency, which will not admit of delay. In the event of any police darogahs requiring the assistance of additional mohurrers, in consequence of a stress of business, he shall report the circumstance for the orders of the magistrate.

No profeſſional ſpy to be employed by darogahs, without expreſs ſanction of magiſtrates, but to encourage individuals to give infor-

Seventh.—The darogahs are prohibited from encouraging or employing, without the knowledge or express sanction of the magistrate, any goindahs or spies, who may earn a livelihood by the profession of an informer, and they shall apprehend and send to the magistrate any persons who may give out that they are employed as goindahs by the magistrate, or by the superintendent of police, unless such persons

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can show a written authority from the magistrate, or from the superintendent of police. The above provision shall not be construed as precluding the police-officers from employing persons to trace offenders who may have eluded the pursuit of justice, or from encouraging persons to furnish information, by which robbers, or other known criminals, may be discovered and apprehended. On the contrary, the darogahs shall encourage such persons to communicate all the information possessed by them, and shall report to the magistrate any instance of meritorious service on the part of any such individual, by which offenders may be brought to justice, whether the individual may have personally exposed himself to trouble and risk in securing the offender, or may have merely supplied the necessary intelligence to the police officers.

mation, with a view to the apprehenſion of notorious offenders.

Charges not cognizable by Police-Officers.

XII. *First.*—The darogahs and other native officers of police are prohibited, under pain of dismission from office, from taking cognizance of any charge of adultery, fornication, calumny, abusive language, slight trespass, or inconsiderable assault.

What crimes the darogahs are prohibited from taking cognizance of.

Second—Persons preferring to the native police-officers charges of the nature specified in the preceding clause, shall be referred by those officers for redress to the magistrate's court, and informed that cognizance cannot be taken of their complaints at the thannahs; and the darogah, or other police-officer, to whom any such charges may be presented in writing, shall record, in the thannah diary, hereinafter prescribed, the name of the complainant, the nature of the charge, and the date on which it may be rejected. The date and ground of rejection shall also be indorsed on the written plaint, to be returned to the complainant.

Perſons bringing forward complaints of the above deſcription, to be referred to the magiſtrate.

Third.—The darogahs and other police-officers are likewise prohibited from admitting compromises or razeenamahs in any cases, and from interfering in any matter which may not be expressly provided for in this or in any other regulation, as well as in all cases from passing sentence upon any complaint, from imposing a fine, or inflicting any punishment, and from making any exaction from the prosecutor or the accused, or their respective witnesses, or from any other persons whatsoever.

Police-officers prohibited from admitting compromiſes, from interfering in any matter not authorized by the regulations, and from inflicting puniſhment, and exacting money.

General Duties of Police-Officers on receiving Charges or Information of heinous Offences.

XIII. *First.*—On receipt of any charge or information of murder, robbery, theft, burglary, homicide, maiming, wounding, actual affray, or other heinous offence, not excepted by this regulation from the cognizance of the police darogah, the statement of the prosecutor or informer shall be certified on oath, or if the person be of such a rank or cast as would make it improper to compel an oath, by a solemn declaration, after the form, N° 9 of the Appendix to this regulation; and such inquiry shall be made as may be necessary to elucidate the circumstances of the case, and if there are any witnesses to the fact, or persons acquainted with the particulars, they shall be questioned, without oath, either privately and apart, or publicly, as may appear most conducive to the attainment of the truth.

Upon receiving information on oath, or on a hulfnama, of a crime cognizable by him, the darogah ſhall inquire into the circumſtances, and examine, publicly or privately, witneſſes to the fact.

Second.—It shall not be considered necessary to take down in detail the questions and answers of the witnesses, but the substance of any material information obtained from them, shall be reduced to the form of a sooruthal, or keyfeeut, which document shall be authenticated by the attestation of the persons examined, and transmitted to the magistrate under the signature of the police-officer, by whom the inquiry may be made; the evidence of the eye witnesses being distinguished in the report from that of persons deposing from hearsay.

Evidence not to be detailed, but the ſubſtance only to be tranſmitted to the magiſtrate.

Third.—In cases of murder, gang robbery, burglary, attended with wounding or other violent crime, where the circumstances of the case may be elucidated in a greater degree by a sketch or plan of the spot, the same shall be prepared, if it can be done without subjecting the inhabitants to inconvenience, and submitted with the report. The police-officers shall also be careful to ascertain, in all cases, the exact date and time of the day or night when the offence charged may have been committed; and shall record the date, according to the Bengal, Fussily, or other era current in the district.

Sketch of the ſpot to be tranſmitted under certain circumſtances, and date of occurrence to be accurately noted.

Darogahs ſhall not ſwear witneſſes, except in caſes ſanctioned by regulation.

Fourth.—The police darogahs are prohibited from swearing witnesses to the truth of their depositions, on any local investigation which may be made by them into the circumstances of any murder, robbery, or other crime, or in the performance of any other of their duties, unless the same be expressly sanctioned by the provisions of a regulation applicable to the case.

Darogahs to endeavour to diſpatch all evidence, and to ſecure the attendance of witneſſes in due time, ſo as to prevent delay in the inquiry.

Fifth.—The officers of police shall endeavour, as far as practicable, to complete the inquiry in the first instance, and to collect all attainable evidence, and to bind over all the witnesses, necessary for the trial, to appear before the magistrate at the time when the report may reach the magistrate's court, in order that the case may be tried without unnecessary delay. The darogah shall send in with the chelan or dispatch, any burkundauzes or other subordinate police-officers, whose evidence may be necessary on the trial of the case; and if the whole of the witnesses cannot be found at the time of transmission of the chelan, the darogah shall endeavour to collect them, and shall send them in without waiting the instructions of the magistrate.

When the offenders are unknown, the witneſſes to the inquiry ſhall not be bound over to attend without ſpecial orders from the magiſtrate.

Sixth.—In cases wherein the offenders are unknown, or though recognized, may not have been apprehended, the prescribed local inquiry into the circumstances shall, notwithstanding, be made without delay, and the police darogah shall transmit an immediate and full report of the result to the magistrate, for his information and orders. But the witnesses shall not in such cases be sent to the magistrate, nor bound over to attend him without his special instructions for the purpose.

Names and perſons of known but abſconding offenders ſhall be accurately deſcribed.

Seventh.—In all cases where the offender may be known, and may have absconded, the police-officer conducting the inquiry shall ascertain and describe the person of the offender, specifying also his name, and that of his father, as well as his usual place of residence, in order that he may hereafter, if necessary, be fully identified.

Separate reports to be made, when a perſon ſhall, in the courſe of inquiry, appear to have been guilty of more than one offence.

Or when zemindars ſhall have been negligent in reporting.

Eighth.—If, in the conduct of an inquiry the person accused or suspected should appear to have been guilty of more than one offence, cognizable by police-officers, or, if any misconduct or neglect in matters of police should attach to any zemindar, farmer, local agent, village-watchman, or other person, whose duty it may be to aid the police, the police darogah shall institute a distinct inquiry on each case, the result of which shall be transmitted to the magistrate in separate reports and despatches.

If any perſon ſent to the magiſtrate's court ſhall be known to have been formerly apprehended, the date of the former caſe ſhall alſo be reported.

Ninth.—Whenever any person may be apprehended and sent to the magistrate's court, under the provisions of this regulation, and it may be known to the police darogah, or other officer presiding at the thannah, that such person has been apprehended on a former occasion by the police on any other account, the darogah or other officer, reporting on the case which may be the ground of his present apprehension, shall state also the offence for which the prisoner may have formerly been arrested, and if practicable, shall ascertain from the thannah papers, and report the year and date of the record of the case referred to.

Rules when darogahs ſhall have occaſion to leave their thannahs.

Reports to be dated in the current era of the diſtrict.

Tenth.—The darogahs of police, when they may proceed from their thannahs for the purpose of making any local inquiry, or for the performance of any other public duty, shall state in their reports the date and time of their departure from the thannah station, and the date and time of their arrival at the place of their destination, and also of their return to the thannah. The month and year to be used on all such occasions, as well as generally in the reports of the police darogahs, shall be those of the current era of the district, whether the Bengallee, Fusily, or Willaity.

Rules for holding Inquests on Occasions of Murder, Homicides, Wounding, and unnatural Deaths.

Landholders and others held reſponſible for the early communication of unnatural or ſuſpicious deaths.

XIV. *First.*—The principal persons residing in villages, whether landholders or farmers, or other local managers or munduls, putwarries or other heads of villages, are hereby declared responsible for the early and punctual communication to the officers of the nearest police-station, of all unnatural deaths, or deaths attended with suspicious circumstances, which may come to their knowledge; and any landholder, farmer, manager, or other principal inhabitant of a village, who may be

Penalties for neglect.

convicted of wilfully neglecting or delaying to furnish the information above required, shall be liable to be fined by the magistrate in any sum not exceeding 200 rupees; and in default of payment to be confined for any period of imprisonment not exceeding six months.

Second.

Second.—In all cases of murder, unnatural or suspicious death, or violent and dangerous wounding, the darogah of police shall make it an invariable rule, immediately on receiving information, to repair in person to the spot on which the dead body, or person wounded, may have been found, or if prevented from going personally, shall depute a proper officer; and on such occasions the following rules shall be strictly observed.

On receiving information of such cases, the darogah shall immediately proceed in person, or dispatch an officer to the spot.

Third.—That they question privately, in the first instance, any relations, connexions, friends, or neighbours of the deceased, or of the person wounded, who may be able to state the circumstances of the case; and that they endeavour to collect, before the inhabitants shall have assembled for the public inquest, such information as may guide their inquiries in the conduct of the investigation.

Connexions or neighbours to be questioned in the first instance.

Fourth.—That they question the individual wounded, and require him, if he is able to speak, to name and describe on oath the person by whom he may have been wounded, the names of the persons present when the act was committed, and, generally, the circumstances under which the crime was perpetrated.

Individuals severely wounded, to be required to describe the circumstance on oath.

Fifth.—That they examine the body of the person wounded, or in cases of death, the dead body, with a view to ascertain the number of wounds or other corporal injuries; the length, breadth and depth of each; with what weapons the wounds or hurts may have been given; and the parts of the body in which they may have been received, and that they record the same either at the foot of their sooruthal or report, or on a separate paper to be annexed to the report.

Rules for inspecting the body of the deceased, or of the wounded person.

Sixth.—That they describe particularly the spot on which the wounded person or the dead body may have been found; and that they report whether the crime appears to have been committed on the spot, or whether the individual wounded, or the dead body, appears to have been brought and laid there; also in cases of alleged suicide, or of accidental death, whether the circumstances under which the body may be found are such as to warrant a conclusion, that the deceased had met with his death from his own hands, or by misadventure, or whether any, and what grounds may exist for believing the deceased to have been killed by the hands of others; and further, that they ascertain the name of the person wounded, or of the deceased, if any person present should recognize him.

Rules for the description of the place where the body was found.

Seventh.—That if the person killed shall appear to be a stranger, and his name shall not be known, they endeavour to ascertain where he was last seen, or where he slept the night before.

If the deceased be a stranger, to ascertain where he was last seen.

Eighth.—That in cases in which the offenders may not be immediately discovered, or the cause of the murder or unnatural death or wounding may be unknown, the police-officer conducting the inquiry shall endeavour to trace whether any enmity, ill-will, jealousy, or other cause of dissension subsisted between the wounded or deceased, and any other person or persons in the neighbourhood, and if so, the particulars of the disagreement; when and under what circumstances the wounded or the deceased, and the persons said to bear him ill-will, may last have been seen in company, and whether any and what angry expressions had been used by the parties; moreover, in cases in which there may be reason to believe that the unknown offender has received any wound, or other corporal injury from resistance in the perpetration of the crime, they shall question the hujjams, village surgeons, washermen, or other persons residing in the vicinity, who from their profession may be likely to afford information, leading to the discovery of the offender in such cases.

If the offenders shall not be speedily discovered, to ascertain whether any person in the neighbourhood bore enmity to the deceased.

When the unknown offender is supposed to have been wounded, to examine the neighbouring village surgeons.

Ninth.—That the above inquiry be made and committed to writing in the presence of creditable people, resident on the spot or in the neighbouring villages; and that they require a sufficient number of persons present to subscribe their names to the paper, which is likewise to be attested by their own signature, and forwarded without delay to the magistrate.

The sooruthal to be attested by the darogah or police-officer, and by a sufficient number of people who may have been present.

Tenth.—In cases of murder, it shall be the duty of the officers of police to endeavour to obtain and secure the weapon or instrument with which the crime may have been committed, in order that the same may be produced and identified at the further stages of the inquiry or trial for the offence.

In cases of murder, the instrument or weapon to be procured, if possible.

Eleventh.—In cases of wounding, the darogah, or other police-officer conducting the inquiry, shall endeavour to obtain for the person wounded such surgical assistance as may be procurable, and, if the wounds are severe, the individual wounded

Assistance to be procured for wounded persons.

Not to be moved, so long as risk attends it.

shall not be moved or sent to the magistrate's court until he may be able to travel without inconvenience or risk. The police-officers are further directed to notify to the inhabitants, as occasion may offer, that in the event of any person being wounded by robbers or others, in such manner that he cannot be conveyed to the thannah without hazard of his life, it is not necessary to remove such person from the place where he can be best taken care of, but that immediate notice must be given at the thannah, that the police-officer may proceed to the spot, in conformity with Clause 2d of this Section, and make the inquiry therein prescribed.

Rules for the disposal of the body, in cases of murder or unnatural death.

Twelfth.—In cases of murder or unnatural death, the police-darogah shall, on ordinary occasions, when he has completed his inquiry, either make the body over to the charge of the relations of the deceased, or shall cause it to be buried, or burnt on the spot, as the usages of the country and religious persuasion of the deceased may render proper; and it shall not be considered necessary to send the corpse for the inspection of the magistrate, except in cases of murder by poison, or on occasions where the injury sustained by the deceased may be of a doubtful nature, requiring the inspection and report of a surgeon, in which cases the darogah shall, if the state of the weather, and the distance from the magistrate's court will admit of the body being transported without risk of putrefaction on the road, forward the corpse covered with a cloth, in the most decent and expeditious manner practicable, to the magistrate's place of residence.

Inquiries to be made by the Police-Officers in cases of Gang-Robbery, Burglaries, and other heinous Offences.

In cases of robbery by open violence, and certain other heinous offences, the darogah will proceed to the spot, or dispatch an officer.

XV. *First.*—In all cases of gang-robbery, or other robbery by open violence, as well as in every instance of a heinous crime, attended with a violent breach of the peace, or other circumstances of aggravation, the police darogah, in whose jurisdiction the offence may occur, shall, if practicable, proceed in person to the spot without delay, transmitting an immediate report of the occurence and of his departure from the thannah, for the information of the magistrate. If unable to proceed in person, or if the case be not of a heinous nature, nor attended with circumstances of aggravation, the darogah shall be at liberty to depute a fit person from among the officers acting under him, to ascertain the facts and circumstances of the case, and to procure all the information which may be practicable to obtain for the discovery and apprehension of the offenders.

Detail of the inquiries to be pursued in such cases.

Second.—The Police-officer making local inquiries of the description specified in the preceding Section, shall be careful to ascertain and record the day and hour when the fact was committed, the situation of the place, the names and descriptions of any persons who may have been recognized as the perpetrators of the crime, by whom such persons have been seen and known, and the names and description of any person suspected of being concerned in the offence committed, with the grounds of such suspicion. Also a full recital of the manner in which the crime has been effected, and in cases of robbery of the articles of property plundered, the direction in which the robbers may have fled; whether they had torches, and any and what arms; whether they attempted to conceal their persons during the robbery; whether any arms or articles of property belonging to the robbers were picked up after the outrage; and, if so, whether any person in the neighbourhood has recognized such articles; whether any number of persons were known to have assembled at any liquor-shop, Fakeer's muth, or other place immediately preceding the occurrence of the robbery, and if so, the general character of such persons, whether the landholders and farmers or their local agents took any and what measures, immediately after the occurrence, for the discovery and apprehension of the offenders; whether the village watchmen were present, and showed a proper degree of attention and alacrity on the occasion, or otherwise; whether there are any persons of notorious bad character in the neighbourhood, or persons who have before been punished for robbery and discharged from jail, and if so, where such persons were at the time of the commission of the offence.

Such inquiries are to be committed to writing, and attested by three or more respectable inhabitants of the neighbourhood.

Third.—The foregoing inquiries shall be made and committed to writing on the spot, in the form of a sooruthal or report, and in the presence of three or more creditable inhabitants of the neighbourhood, by whom it shall be attested, and the papers shall be forwarded without delay for the information of the magistrate.

Fourth.

Fourth.—It shall further be the duty of the police-officers, on occasions of the description above mentioned, as well as in cases of murder and unnatural death, to apprize the persons present at the inquiry that their suppression or denial of any knowledge which they may possess relative to the perpetrators of the crime, will tend to invalidate their testimony, in the event of their deposing to such knowledge at a future period. They shall at the same time give encouragement to all persons, not accomplices or accessaries, who may have been present at the commission of a crime, to make full communication of every fact and circumstance within their knowledge respecting the offenders, and shall take their information or evidence with such precautions of secrecy, as may be deemed requisite, where persons supposed to have recognized any of the offenders may appear to be deterred from publicly naming them, under fear of the consequences, if the parties should not be apprehended.

Caution against information being withheld in the first instance.

Fifth.—The darogahs of police shall invariably report to the magistrate every instance of burglary and theft which may be brought to their knowledge or otherwise, as well as of the attempts in which the offenders may not have succeeded in carrying off property.

Instances of burglary and theft, or attempts, shall be reported.

Sixth.—In cases of burglary the police-officer conducting the inquiry shall attend to the foregoing instructions, regarding inquiries in cases of robbery, as far as the same may be applicable, and shall be careful to ascertain and report the time of the day or night at which the offence was perpetrated, and the means used in effecting an entry into the habitation, and if by breaking or cutting through a wall, mat, or other partition, the length and breadth of the aperture, also whether the house or apartment into which a burglarious entry may have been effected, is used as a place of residence, or for the custody and preservation of property.

Accuracy to be observed in the date of the offence, and description of the circumstances.

Seventh.—Police-officers making inquiries in cases of robbery, burglary and theft, shall require the village chokeedars, the landholders and their agents, and the inhabitants of the place where the offence may be committed, to state whether they suspect any and what persons of having committed the offence; and, if so, the grounds of their suspicion, after which, they shall take the necessary measures to ascertain how far such suspicions may be well founded, and where the persons suspected may have been at the time the crime was perpetrated.

Information to be required from the zemindars and others.

Search for plundered or stolen Property.

XVI. *First.*—The search for plundered or stolen property, whether under the special orders of the magistrate, or under information received by the native officers of police, shall be conducted agreeably to the following Rules.

Search for stolen property, how to be conducted.

Second.—The darogahs of police are prohibited, except under the special orders of the magistrate, from searching the interior of any house or building for stolen or plundered property, unless a list of the articles missing be delivered or taken down in writing at the thannah, with a declaration, stating that a robbery has been committed, and that the informant, whether he be the owner of the property, or accomplice in the offence, or other person, has substantial ground to believe that the property is deposited in such house or place.

Without a written declaration officers shall not search the interior of any building, except by special orders of the magistrate.

Third.—In the case of search warrants issued from the magistrate's office, the police-officers shall report the execution of the process on the back of the warrant.

Execution of search-warrants to be reported.

Fourth.—The darogahs, when not especially instructed by the magistrate, shall transmit all representations made to them regarding the receipt or concealment of plundered or stolen property, at or before the time when they may proceed to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject. They shall also take the necessary precautions for preventing any such property from being clandestinely removed.

Representations regarding stolen property to be sent to the magistrate for his orders.

Fifth.—The search for plundered and stolen property shall be proceeded on without previous notice being given to the owners or inhabitants of the house, and shall uniformly be made in the day-time, unless there shall be substantial reason to believe, that in case of any delay the property sought will be removed. The process shall invariably be conducted by the darogah, mohurrer, or jummadar in person; and if the darogah cannot himself proceed, he shall issue a warrant according to

Particulars relating to the search.

What perſons to be preſent.

the form No. 10, of the Appendix. The search shall be made in the presence of three or more respectable inhabitants of the village in which the house or place searched may be situated, who shall subscribe their names to the report made to the magistrate's office, and an opportunity shall, in every instance, be afforded to the occupant of the house attending the search.

Surreptitious introduction of articles into the houſe to be carefully guarded againſt.

Sixth.—In conducting the search directed by the preceding Rules, the police darogahs shall be careful that no articles of property are surreptitiously introduced into the habitation at the time of search, and no prosecutor or informer, or any other person, shall be permitted to enter, unless he allows himself to be strictly examined in the first instance.

Rules to be obſerved in ſearching zenanas.

Seventh.—Should the occupant of the house ordered to be searched be of such a rank in society as would render it improper and objectionable, according to the prevailing opinions and usages of the country, for the officers of police to enter the zenana or apartments of the women, the police-officers shall give due notice for the removal of any women within the zenana; and after furnishing means for their removal in a suitable manner, (if they be women of rank, who according to the customs of the country cannot appear in public,) shall enter the zenana apartments for the purpose of completing the search, using at the same time every precaution consistent with these provisions, for preventing the clandestine removal of property.

The perſon in whoſe houſepropertyalleged to be ſtolen is found, being unable to give a good account of the ſame, ſhall be forwarded to the magiſtrate.

Eighth.—If on examining the premises ordered to be searched any property be discovered, which shall be alleged by the complainant or informer, at whose instance the search may be made, to have been stolen or plundered, or which there may be any other reasonable ground to believe has been acquired by theft or robbery, the darogah, or other officer of police, by whom the search may have been conducted, shall endeavour to trace the actual proprietor from whom the property may have been stolen or plundered, and shall question the occupant of the house regarding the means by which the property was obtained; and in the event of his being unable to give a satisfactory explanation shall forward the property, together with the person in whose house it may have been discovered, to the magistrate.

Rule for the diſpoſal of unclaimed ſuſpicious property.

Ninth.—Should any suspicious property be discovered in the course of a search conducted under the foregoing provisions, and should no person lay claim to the same, the police darogah shall compare the articles with such lists of property stolen or plundered as may have been previously delivered into the thannah in other cases, and recorded in the register prescribed by Clause Thirteenth, Section 8, of this Regulation; and in the event of the property corresponding with the amount given in the list, shall either send the articles for the inspection of the supposed proprietor, or shall summon him to the thannah for the purpose of identifying his property.

All particulars regarding property ſo found, ſhall be carefully tranſmitted to the magiſtrate.

Tenth.—On the occasion of searching a house under the foregoing rules, the police-officer shall be careful to notice the particular spot in which the property may be found, the time of finding, and the name of the finder, and all property which may be claimed as having been stolen or plundered, as well as all property of a suspicious nature found on persons charged with robbery, burglary or theft, or which may be seized by the officers of police under suspicious circumstances, shall be forwarded without delay to the magistrate, together with a despatch, drawn up under the form No. 3, of the Appendix. A copy of the despatch being registered as prescribed by Clause Eleven, Section 8, of this Regulation; the original shall be given to the burkundauze charged with the conveyance of the property, to be delivered to the nazir on his arrival at the Sudder Station.

Rule for tranſmiſſion of valuable articles of ſmall bulk.

Eleventh.—Articles of value and of small bulk shall be fastened up in a box, petarah, or bag, and the seal of the thannah affixed. Each article of property shall have a separate number (written on paper with the seal of the thannah attached to it,) to correspond with the number contained in the first column of the despatch; and darogahs, when describing the property in their reports, shall invariably quote the number affixed to each article.

Unclaimed or ſuſpected property only ſhall be removed, not to be reſtored without the magiſtrate's order.

Twelfth.—No property shall be removed from a house by an officer of police unless it be claimed or recognized as having been stolen or plundered, or considered to be suspicious; and no property once removed shall be returned without the special instructions of the magistrate.

Thirteenth.

Thirteenth.—On the occurrence of a heinous robbery, burglary, or theft, the darogah of police shall transmit a list of the property plundered or stolen to the proprietor or manager of the estate in which the crime may have been committed, with an injunction to cause the list to be affixed in a conspicuous place, and also published in the several bazars and hauts situated in the estate, at the same time requiring all gold and silversmiths, retail dealers, and other persons, to give notice to the officers of police against persons offering such articles for sale.

In heinous cases, a list of property plundered to be affixed in a conspicuous place, and due notice given.

Fourteenth.—Whenever the person in whose possession stolen or plundered property may be found shall deny all knowledge of the theft or robbery, and assert that he procured the property by honest means, the darogah, or other police-officers conducting the inquiry, shall require such person to state the circumstances under which he became possessed of the property, and shall endeavour to ascertain through whose hands it may have passed, as well as to trace the persons by whom the robbery or theft may have been committed.

Inquiries to be made from persons in whose possession the property may be found.

Fifteenth.—Any person who may find within his house or premises property not his own, which he may have reason to believe lost or stolen property, or to have been deposited within his house or premises with a malicious intent, shall within twenty-four hours after finding such property convey it to the nearest police-darogah, and report the circumstances attending the discovery of the property. The darogah shall commit to writing the circumstances which may be stated by the person finding the property, and cause the same to be signed by him, and attested by two or more witnesses present. Such attested writing, together with the property found, shall then be forwarded by the darogah without delay to the magistrate.

Person finding suspicious property in his own house or premises, how to proceed.

Sixteenth.—All unclaimed property, whether cattle, boats, timbers, or other goods or chattels, shall be considered as belonging to Government, and the darogahs of police shall forward any property of this description which may come into their hands, to the magistrate of the district in which they may respectively be employed; or if any article of unclaimed property cannot be easily moved, the darogah of police shall make over the charge of such article to the local zemindar, manager, or head person of the village, until the orders of the magistrate in regard to its disposal can be obtained.

Unclaimed property to belong to Government. Rules for its transmission.

Seventeenth.—The darogahs and other police-officers shall be entitled to a commission of ten per cent. on the value of all property stolen or plundered, which they may recover. The commission is to be paid by the owners of the property, which is to be fairly valued by the magistrate, or by any creditable and competent person whom he he may appoint for that purpose. The magistrate is to cause the commission, in the the case above directed, to be paid by the owner or his agent to the darogah, or other police-officer to whom it may be due, and, if necessary, may cause a part of the property to be disposed of by public sale, for the purpose of making good the amount.

Ten per cent. of the value of stolen property to be granted to the recovering officers.

Duties of Police-Officers with regard to Coiners and utterers of Base Coin.

XVII. The darogahs of police shall apprehend and send to the magistrate all persons uttering base coin, and knowing it to be such, or who may be charged with counterfeiting or debasing the current coin. On the receipt of credible information they shall, under the provisions of Section XVI, proceed to search the houses of persons accused of manufacturing or knowingly uttering base or counterfeit coin, and shall seize and transmit to the magistrate any such coin which may be found, together with all implements used for the purpose of debasing or counterfeiting the coin; also all books of accounts relating to the sale, or circulation of base coin, together with such evidence as may be procurable to establish the offence imputed to the accused.

Darogahs shall search houses of persons, accused upon credible evidence, of coining, &c. and transmit to the magistrate coins, implements and accounts, together with the offenders.

Duties of Police-Officers in the prevention or suppression of Affrays and Riots.

XVIII. *First.*—The darogahs of police shall proceed in person, or depute one or more of their officers, as circumstances may require, to attend and maintain the peace at fairs, and during the celebration of festivals, at all places where any considerable number of persons may be collected together.

Officers of police to be present at fairs, festivals, &c.

Second.—On receiving intimation of any tumultuous meeting or assemblage of persons, or of any projected riot or serious disturbance, whether arising from trespass

On notice given of intended affray, officers shall require

zemindars to diſperſe the people, on pain of confiſcation of the matter in diſpute.

or disputes regarding land, crops, tanks, water-courses, reservoirs, or other causes, the darogahs of police shall either proceed in person, or cause the mohurer or jummadar to repair immediately to the spot, and the police-officer employed on such duty shall, in the first instance, proceed to the residence of the zemindar, talookdar or farmer, in whose estate or farm the disputants may be said to be, and require him instantly to cause them to disperse, acquainting him that the land or crop in dispute will be liable to confiscation if any affray ensue.

He shall endeavour to induce them to diſperſe, or to ſubmit their diſpute to arbitration; he ſhall proclaim aloud the conſequences of a breach of the peace, and take certain meaſures to mark the guilty.

Third.—In the event of this measure proving insufficient, he shall endeavour to prevail on the parties to disperse, and either to adjust their differences amongst themselves by arbitration or punchaet, or to have recourse to a court of judicature for the decision of their claims. In the event of such endeavours proving fruitless, the police-officer who may be present shall declare aloud, that if any person is killed, wounded, or violently beaten, all persons concerned in the affray will be brought to trial before the Criminal Courts. The police-officers will at the same time strive to seize the leaders, or principal offenders; and in the event of their failing so to do, they will endeavour to ascertain their names and places of abode, and to collect sufficient evidence, if practicable, from persons unconnected with the parties, of the circumstances of the affray, the causes which led to it, and who were the first aggressors; and, after taking these steps, shall set people to watch the further proceedings of the parties, and immediately communicate the whole of the particulars to the magistrate, who will adopt the necessary measures for bringing the offender or offenders to condign punishment.

Darogahs ſhall not depute burkundauzes to defend the property of either party.

Fourth.—The officers of police are required to proceed to the spot, as above directed, and use every precaution to prevent affrays, but they shall confine themselves to maintaining the peace, and shall on no account take part with or afford assistance to either side in the dispute; and darogahs are strictly prohibited, unless under the special instructions of the magistrate, from deputing burkundauzes, or muskooree peons, to defend the property of either party, applying for the aid of the police, on the ground of alleged apprehension of affray.

Diſputed land or crops ſhall be deſcribed, and boundaries ſketched.

Fifth.—If the cause of dispute be land or crops, the darogah, in his report to the magistrate, shall describe the land contested, or the quantity or quality of the grain; and in boundary disputes, where the claims of individuals may be better explained by a plan of the ground, shall prepare and transmit with their reports a sketch showing the outline and general position of the portions of land claimed by the contending parties.

Duties of Police-Officers in receiving Confessions, and in the Treatment of Prisoners generally.

Examinations of priſoners to be taken without oath, in the preſence of three or more credible witneſſes.

XIX. *First.*—Whenever any person may be apprehended and brought before a darogah, or other police-officer, under the provisions of this Regulation, the examination of the prisoner shall be taken without oath, in the presence of three or more credible witnesses, who are to attest the examination; and the police-officer, presiding at the inquiry shall question the prisoner fully regarding the whole of the circumstances of the case, and the persons concerned in the commission of the crime; and if any property may have been stolen or plundered, the persons in possession of such property, or the place where it has been deposited. In the event of the prisoners making free and voluntary confession, it shall be immediately written down, if practicable, in the language best understood by the person confessing, and in the presence of three or more credible witnesses, who can sign their names, and are not officers of the police, or connected with the thannah establishment: if no persons can be found who may be able to read or write, the most respectable persons in the village shall be required to bear witness, and to offer their mark in attestation of the writing. The party confessing, as well as the witnesses, shall be allowed to read the same when finished, or if unable to read, the police-officer recording the confession shall invariably read it over in the presence of the party and witnesses, before it is signed and attested, and shall state, at the foot of the paper, the day of the week, date, hour, and place, at which it may be taken; the original confession, bearing the signatures of the party and witnesses, shall invariably be transmitted to the magistrate, and not a copy; and the police-officer presiding at the inquiry, as well as the person by whom the confession may be taken down in writing, shall subscribe their signatures to the paper in attestation of its authenticity.

Rules in caſes of voluntary confeſſion.

Second.

Second.—No compulsion shall be used either towards parties or witnesses, for the purposes of obtaining any information whatsoever; and police-officers are strictly enjoined, not, on any occasion, or under any pretext whatever, to encourage a prisoner, apprehended upon a criminal charge, to confess the same, or to excite the hopes or fears of a prisoner by holding forth a prospect of pardon, or using threats, or otherwise persuading or intimidating the prisoner, with the view of inducing him to confess: any species of mal-treatment inflicted on a prisoner or witness by a police-officer, landholder, or farmer, or by any other person whatever, whether with a view to extort a confession, or to procure information, will subject the offender to exemplary punishment, on conviction before the magistrate or Court of Circuit.

Compulsion, or holding out hopes or fears, to induce confession, strictly prohibited; penalty on conviction.

Third.—Whenever a confession may be taken at night, or at any other place than the police thannah, the special reason for its having been so taken shall be stated in the darogah's report.

Special reason must be stated, if the confession be received at night, or in any other place than the police thannah.

Fourth.—The foregoing provisions are not meant to preclude the police-darogah, or officers presiding at the inquiry, from making any private verbal examination which he may deem requisite, with the view of ascertaining accomplices, or discovering stolen property, or obtaining means of proof.

Darogah may hold private verbal examinations.

Fifth.—Prisoners confessing offences shall be kept apart from all persons in custody at the thannah, and, if practicable, shall be forwarded to the magistrate's court, under charge of a separate guard.

Prisoners confessing to be kept separate.

Sixth.—Witnesses to confessions shall invariably be bound over by the police-darogahs to attend the magistrate on the arrival and examination of the prisoners at the Sudder-station, and the police-officers shall be careful not to admit of any deviation from this rule.

Witnesses to be carefully bound over.

Seventh.—Prisoners during their detention at the thannah, shall be confined within the thannah-house, or guard-room, or in some other convenient place of confinement, where they will not be exposed to the open air.

Thannah prisoners, how to be confined.

Eighth.—Stocks may be used at the thannahs during the night, for the purpose of securing the persons of robbers and murderers, or other persons of dangerous character, or disorderly behaviour, or persons who may have escaped from custody, until they can be forwarded to the magistrate; but the darogahs are strictly enjoined, under pain of dismission from office, not to place any individual in the stocks, except during the night time, and then only in cases of robbery and murder, or of previous escape from custody, or when the notoriety of the prisoner's character or his behaviour may be such as to render this mode of confinement essential for his safe-guard.

Prisoners of atrocious character may, in the night time only, be placed in stocks.

Ninth.—The darogahs of police shall further be competent to use handcuffs of a light construction, to be provided by the magistrates, (instead of fetters and ropes for the legs and arms,) for the purpose of forwarding heinous criminals with safety to the magistrate's court.

They may also be forwarded in light handcuffs.

Tenth.—The darogahs shall be held strictly accountable for any ill treatment which prisoners may sustain whilst under their charge, and for any severity further than what may be essentially requisite for securing the persons of such prisoners.

A strict account shall be taken of unnecessary severity.

Eleventh.—Burkundauzes escorting prisoners shall, on ordinary occasions, journey at a rate not less than six or more than eight coss per diem.

Rate of travelling for prisoners.

Twelfth.—When alighting at any village for the night, the police-officers having charge of prisoners shall report their arrival to the proprietor, farmer, or head man of the village, who shall point out a proper place for securing the prisoners during the night, and shall require the village watchmen to afford their aid in guarding them.

Headmen and others, shall provide for the custody of prisoners passing through their estates or villages.

Thirteenth.—In cases in which the prisoners may be unable to support themselves during their journey from the police thannah to the magistrate's court, the darogahs shall advance such amount for diet-allowance as may be necessary for their way-charges, not exceeding the rate of one anna per diem; reporting the same for the information and orders of the magistrate.

What diet-money to be allowed to prisoners, unable to support themselves during their journey.

Fourteenth.

Rules for their being delivered over to the proper officers at the ſudder ſtation.

Fourteenth.—On the arrival of the prisoners at the Sudder-station the burkundauzes charged with the dispatch shall convey them to the fouzdarry nazir, or to such other native officer as the magistrate may appoint, in order that they may be secured in a lock-up-house until the report of the case can be perused by the magistrate, till which time one or more of the burkundauzes who may have accompanied the prisoners shall remain in attendance, to be examined, if necessary, on any points relating to the case.

Priſoners ſent from one ſtation to another, ſhall be tranſmitted from thannah to thannah by police burkundauzes.

Fifteenth.—Prisoners who may be sent from the station of one district to that of another, or who may be sent by a magistrate into the mofussil, for the purpose of being discharged, shall, exclusive of other papers, be sent with a written despatch unsealed, showing the name of the prisoner and his destination; and it shall be the duty of the darogahs to forward prisoners of this description according to the despatch which may accompany them, under charge of the police burkundauzes from thannah to thannah. A statement of all such cases, specifying the names of the prisoners and other particulars, shall be recorded in the thannah diary prescribed by Section VIII of this Regulation.

No priſoners ſhall be detained at the thannah cutchery more than 48 hours.

Sixteenth.—The darogah and other officers of police are hereby prohibited, under penalty of immediate dismission from office, from detaining any prisoners without sending them to the magistrate beyond such time as may be indispensably requisite for the inquiries directed by this or any other Regulation; and if from any cause the inquiry cannot be completed within forty-eight hours after the arrival of a prisoner at the cutcherry or station of the police-officer, the person shall notwithstanding be sent to the magistrate, with a report of the case, and a chelan or despatch, drawn up according to the form No. 2, of the Appendix, a copy of which shall be given to the burkundauze under whose charge the prisoner may be forwarded, to be delivered to the nazir on his arrival at the Sudder-station.

Perſonsapprehended, whether bailed or not, ſhall be reported, and ſhall not be diſcharged except on bail, or by ſpecial order.

Seventeenth.—The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail, or otherwise; and no person who may be once apprehended shall be discharged, except on bail, or under the special orders of the magistrate.

Rules relating to notorious Offenders, and to Vagrants, their Apprehension and Discharge.

Darogahs in every diſtrict to forward to magiſtrates all notorious characters.

XX. *First.*—It shall be the duty of the darogahs of police to apprehend and forward to the magistrate all persons residing within their respective jurisdictions who may be notorious, as decoits or robbers of any denomination; or as house-breakers, thieves, or receivers of stolen property.

Credible information being given of ſuch characters, darogahs are to make private inquiries.

Second.—On any written charge being preferred to a police-darogah against individuals within his jurisdiction, of their being notorious robbers, burglars, thieves, or receivers of stolen property; or on the darogah's receiving credible information of such persons being within his jurisdiction, the darogah, or other police-officer presiding in the thannah jurisdiction, shall, previously to the apprehension of the accused, make such secret and summary inquiry in the neighbourhood as may be practicable, without endangering his escape, in regard to his general character and means of subsistence; and if there shall appear substantial grounds to believe that the charge or information is well founded, the darogah or other police-officer shall apprehend the person suspected, and shall examine him without oath, regarding his name, connections, place of residence, occupation, and means of livelihood. If, on such examination, and any further immediate inquiry which may be practicable, there appear to be strong grounds of presumption that the charge or information against the prisoner is unfounded, or greatly exaggerated, and the prisoner shall tender sufficient bail for his appearance before the magistrate, such bail shall be accepted, or in failure thereof, as well as in all cases wherein the examination of the prisoner may tend to confirm the truth of the charge or information against him, he shall be forwarded under custody to the magistrate, together with a written report of the inquiry, including such particulars as may be necessary to enable the magistrate to form a just comprehension of the merits of the case.

If they ſee fit, they ſhall apprehend the perſon, and, as he accounts for himſelf, ſhall diſcharge, or tranſmit him to a magiſtrate.

This rule ſhall not authorize the inquiries provided for in next clauſe.

Third.—The foregoing rule shall not be construed as authorizing the police-officers to make the sooruthals and inquiries regarding character provided for in the next clause, except under the special orders of the magistrate.

Fourth.

Police-officer, when directed to make a local inquiry, ſhall take the evidence of certain perſons, as to the ſuſpected perſon's mode of life.

Fourth.—Whenever a police-darogah may receive instructions from a magistrate to make a local inquiry and sooruthal, for the purpose of ascertaining the character of any person of bad fame or suspicious livelihood, the darogah shall proceed himself, or shall depute the mohurir or jummadar of the thannah to the village in which the suspected person may have been known to reside, and the darogah, mohurir or jummadar, when not otherwise specially instructed by the magistrate, shall summon four or more of the principal inhabitants, (not being females) or of the middling classes residing in the village, and shall question them, without oath, respecting the present and former place of residence of the prisoner, his general character, means of subsistence, property in ploughs, land, cattle and other goods and chattels; he shall also require them to state whether the individual suspected associates with persons of bad character, robbers or armed men; and if so, the names of such persons; whether he is frequently absent from his house or place of residence at night without sufficient cause; whether his expenses are in proportion to or exceed his means; whether any person in the village bears the prisoner enmity, and whether the prisoner was ever before apprehended, and if so, on what account.

This report if favourable, ſhall alone be tranſmitted to a magiſtrate, if not, witneſſes ſhall be immediatelybound over to appear.

Fifth.—The sooruthal, containing the result of the inquiry above directed, shall be signed by the persons assembled, and if the result of the inquiry be favourable to the character of the prisoner, the darogah shall only forward his report, and await the orders of the magistrate, but if unfavourable, a sufficient number of the subscribing witnesses, not in any instance exceeding four, (unless under the special orders of the magistrate) shall be immediately required to execute recognizances, to appear and give evidence in the fouzdarry court.

Perſons of bad and ſuſpicious character, diſcharged from confinement, are to be releaſed in preſence of head men of their village, who ſhall be liable to a penalty in the event of their not giving certain enjoined information.

Sixth.—Whenever a person of bad character may be liberated from custody, or may be released from jail, after the expiration of a specific sentence of imprisonment, and the magistrate may be of opinion, with reference to the character of the prisoner, that his future conduct should be watched, such individual shall be sent to the thannah division in which his habitation may be situated, and shall be released by the officers of the police, in the presence of the munduls, putwarries, and other head men and watchmen of the village to which the person liberated may belong, who shall be enjoined to afford him all practicable aid in procuring an honest livelihood; but at the same time to keep a vigilant inspection over his conduct and mode of living, and to give timely information to the police-officer of the jurisdiction in the event of his being absent from his village at night without giving notice of his intention, or of his associating with individuals of bad reputation, or of his ceasing to labour or to obtain a livelihood by creditable means; in all which cases they will be held responsible and liable to the penalty stated in the next clause, unless they give due information of the circumstances to the thannah.

Penalty ſpecified.

Seventh.—On the occasion of releasing a prisoner under the provisions of the foregoing rules, the police-darogah shall report to the magistrate the names of the munduls and other head men of the village, present at the time of the prisoner's discharge; and if the person released should hereafter be convicted of any criminal offence, and it be established that the head men of the place neglected to furnish the information required by the preceding clause, they shall be liable to the payment of a fine, not exceeding one hundred rupees, from each individual, commutable, in default of payment, to one month's confinement in the civil jail.

Darogahs ſhall apprehend all vagrants.

Eighth.—It shall be the duty of the darogahs of police to apprehend all vagrants and suspicious persons, of whatever denomination, wandering about the country in parties, or lurking about individually, without any fixed place of abode; or who, though resident in a particular place, may have no ostensible means of honest livelihood, and who, on examination, may be unable to give a satisfactory account of themselves.

On receiving information of their reſorts, care to be uſed in their apprehenſion and examination.

Ninth.—Police-darogahs receiving information of the resort of persons of the description specified in the preceding clause, shall, previous to their apprehension, make such summary inquiry as the nature of the case may admit, without risk to their escape; and in the event of strong suspicion attaching to them, shall secure their persons, and unless on examination, without oath, respecting their names, connexions, place of residence, occupation and means of livelihood, they can render a satisfactory account of themselves, shall forward them forthwith to the magistrate, together with a report of the circumstances under which they may have been arrested, and of the inquiry made.

When names are not known, darogah may apprehend without a ſpecific warrant; when large bodies of vagrants are aſſembled he ſhall apply for aſſiſtanee to certain authorities.

Tenth.—In cases where the names of the vagrants or other suspicious persons cannot be ascertained, it shall be competent to the police-darogah to apprehend such persons without a specific warrant, and in the event of any number of persons of this description being in sufficient force to resist the officers of the thannah, the darogah shall require the aid of the local zemindar, or other landholder or farmer, or of the police-officers of the adjacent thannah, or shall apply for assistance from the Sudder-station, according to the exigency of the case.

In what caſes the darogah empowered to admit ſuch perſons to bail, and to wait the magiſtrates orders.

Eleventh.—After the apprehension and examination of the persons suspected, should the information, upon which the police-darogah acted, prove to be incorrect, and no sufficient reason appear for sending them to the magistrate, the darogah shall admit the parties to bail, if they are able to furnish sufficient security, and shall report the circumstances to the magistrate, without sending them to the Sudder-station, till the receipt of an order to that effect.

Darogahs enjoined to be careful in the execution of this duty.

Twelfth.—In enforcing the provisions contained in the preceding rules, the darogah and other officers of police, and the village watchmen, shall be careful not to confound strangers coming from the adjacent districts or countries, for the evident purpose of cultivating land or exercising their several professions, with vagrants or other suspected persons. On the contrary, the darogahs shall afford all due and reasonable encouragement to persons coming of their own accord into their respective limits, who may be desirous of settling therein from such industrious motives; the police-officers will nevertheless keep a watchful eye over such persons so long as it may appear necessary, and the darogahs will invariably report to the magistrate every instance that may come to their knowledge of an accession of this nature to the population of their respective divisions.

Village Watchmen.

Darogahs ſhall keep a complete liſt of village Watchmen.

XXI. *First.*—It shall be the duty of the darogahs of police, under the guidance and instruction of the magistrate, to prepare and keep up at their thannahs a complete register of the village watchmen employed within the limits of the authority of the said darogahs respectively, drawn out after the form No. 6, of the Appendix; and upon the death or removal of any of the watchmen, the landholders and other persons, to whom the right of nomination to such vacancies shall belong, shall send the names of the persons whom they may appoint to the darogah of the jurisdiction, that they may be registered by him as above directed.

Zemindars or other authorized perſons to nominate a ſucceſſor on the occurrence of a vacancy.

Village watchmen ſubject to police-darogahs.

Second.—The village watchmen are declared subject to the orders of the police-darogahs.

Rule for the delivery of reports of watchmen reſiding at a certain diſtance from the thannahs.

Third.—Village watchmen who may reside within one coss of the thannah station, to which they may be subject, shall report daily to the thannah all occurrences connected with the police, which may have happened in their respective villages during the preceding twenty-four hours; village watchmen residing from one to three coss distant from the thannah shall furnish similar reports twice every week; and all other watchmen whose residence may be situated at a greater distance shall report once in every week or fortnight, as they may be specially instructed by the police-darogah so to do.

Occurrences reported by the village watch, to be entered in thannah diaries.

Fourth.—All occurrences reported by the village watchmen shall be recorded by the mohurirs in the thannah diaries; but it shall not be considered necessary to enter in such diaries the reports of watchmen who have no communications to make further than that the peace of their divisions has been undisturbed since their last report.

Proclaimedoffenders, and thoſe taken in the commiſſion of public offences, ſhall be ſent to the thannah by the village watchmen, who ſhall give the earlieſt intelligence of the reſidence of offenders, and commiſſion of crimes.

Fifth.—The village watchmen shall apprehend and send to the darogah, or other police-officer presiding at a thannah, any person who may be taken in the act of committing murder, robbery, housebreaking or theft; also proclaimed offenders, and persons against whom a hue and cry shall have been raised of their having been concerned in a recent criminal offence. It shall further be the special duty of the village watchmen to convey to the thannah immediate intelligence of any robbers who may have concealed themselves in their respective villages, or in the adjacent country; and also of any vagrants, or other persons who may be lurking about the country without any ostensible means of subsistence, and who cannot give a satisfactory account of themselves. It shall likewise be the business of the village watchmen to convey early intimation to the thannah of all murders, robberies, burglaries, thefts, violent

violent affrays, and other heinous offences perpetrated in the villages or places in which they may be stationed.

Sixth.—The report of the village watchmen to the police-officers of the regular establishments shall be made verbally; and they shall not, unless they appear as prosecutors, be sworn to their depositions at the thannahs, or be detained at the thannahs, or sent into the magistrate's court, unless on account of misconduct, or under the special orders of the magistrate.

Rule for receiving the reports of village watchmen.

Seventh.—Darogahs of police shall invariably ascertain and report, when making inquiries on the occasion of any robbery, burglary or theft, the conduct of the village watchmen; and whether they were present at their posts when the offence was perpetrated; if not, the cause of their absence, and whether there may be reason to believe that they were themselves concerned in, or connived at, the commission of the crime. In the event of any neglect or suspicion of criminality attaching to a village watchman, the darogah shall either send the individual to the magistrate, with a separate report of the grounds of the charge exhibited against him, and evidence to establish the same, or shall forward a report, in the first instance, and wait the instructions of the magistrate, as the nature of the alleged offence may dictate. In the event of any gross neglect or misconduct in the discharge of his duty, as a police-officer, being established against a village watchman, he shall be liable to dismission from his station by order of the magistrate, independently of any punishment to which he may be subject for specific acts of criminality, under the laws and regulations in force.

Supervision to be exercised by the darogah.

Penalty upon proof of negligence or abuse.

Eighth.—The darogahs, or their police-officers, are prohibited, under penalty of dismission from office, from employing the village watchmen on their private concerns, or on any duties unconnected with the police.

Watchmen not to be employed on darogahs private concerns.

Ninth.—In those towns and villages where the darogahs of the mofussil police jurisdiction, or the officers of out-posts may be stationed, the duties of watching and patroling shall be performed conjointly by the regular police-officers and the village watchmen; and private watchmen, entertained by individuals for guarding their habitations, shops, or warehouses, shall also afford their assistance, and be considered subject, in the performance of this duty, to the orders of the police-darogahs of the station.

In places where regular police establishments may be stationed, duties of watching, by whom to be performed.

Tenth.—On the occurrence of a gang or highway-robbery, or any robbery by open violence, murder, burglary or theft, attended with wounding, or any other heinous offence, attended with a violent breach of the peace, the village watchmen shall, to the utmost of their ability, resist and endeavour to apprehend the offenders, and shall require the head men of the village to collect the inhabitants and to oppose and seize the criminals, or to pursue them, if they have fled; and it shall be incumbent on the inhabitants of the villages through which, or near to which, the pursuit may lay, to afford, on the requisition of the village watchmen or other police-officer, every practicable assistance towards the apprehension of the robbers or other offenders, and recovery of any property stolen or plundered by them, continuing the pursuit from village to village. Any head man or watchman of a village, who may be convicted before the local magistrate of wilful inattention to such requisition, shall be liable to fine and imprisonment, not exceeding the limitation prescribed by Section XIX, Regulation IX, 1807.

The village watchmen to resist robbers to the utmost of their power, and to require zemindars and head men to lend their assistance in the pursuit and apprehension of criminals.

Penalty for their refusal.

Concurrent jurisdiction of Police-Darogahs.

XXII. *First.*—Whenever a police-darogah may receive intelligence of any murder, gang-robbery, or other heinous crime, having occurred within his jurisdiction, the perpetrators of which may not have been apprehended, he shall dispatch immediate information of the occurrence to the neighbouring police-darogahs, both in the district in which his thannah may be situated, and in the adjacent districts.

Darogahs to transmit intelligence of heinous crimes, (if the perpetrators be not apprehended,) to neighbouring thannahs;

Second.—The darogahs and other police-officers are empowered, either under the warrant of the magistrate, or without such warrant, to pursue persons charged with the crimes above mentioned, into the jurisdiction of other darogahs, whether subject to the same magistrate or to the magistrate of any other zillah or city; and the magistrates, darogahs, police-officers, landholders, farmers, gomastahs of villages, cultivators of land, and all other persons having authority, or residing in the jurisdiction into which the offenders may be pursued, are required to afford every

And may pursue into other thannahs or zillahs.

assistance in their power to the pursuing officers, for the apprehension of the offenders.

Under what circumſtances a concurrent juriſdiction to be exerciſed.

Third.—It is to be understood, however, that this concurrent authority is to be exercised by the police-officers only, in those cases in which the crime shall have been committed within their own respective jurisdictions; or in the event of the crime having been committed in any other jurisdiction, when the offender shall be actually within their jurisdiction at the time, the charge may be preferred to them; and it shall not be lawful for the darogah of one zillah or jurisdiction to issue a warrant for the apprehension of an offender, being or residing in another zillah or jurisdiction, at the time of a complaint being preferred, for any crime not committed within the limits of his own jurisdiction. In such cases, the complainant must apply, in the first instance, to the magistrate of the zillah, or to the darogah of the jurisdiction in which the crime or misdemeanor shall have been committed, or in which the offender may reside or be found. But should the complainant first prefer a written application to the darogah of another jurisdiction, such darogah shall record in his diary the name of the complainant, the nature of the charge, and the date on which the complainant may have been referred to another darogah. The date and ground of such reference shall also be indorsed upon the application, to be returned to the complainant.

Rule in the caſe of a darogah apprehending offenders in the juriſdiction of another magiſtrate.

Fourth.—Whenever the police-officers employed under one magistrate shall apprehend offenders in the jurisdiction of another magistrate, in virtue of the powers vested in them by the preceding Rules, they shall immediately deliver to the darogah of the police jurisdiction, in which the offenders may be apprehended, a list of their names, and a statement of the crimes or misdemeanors with which they may be charged; and the latter darogah shall immediately forward such list and statement to the magistrate to whose authority he may be subject.

Rule with regard to invalid thannahs.

Fifth.—The police darogahs, in pursuance of Section XV, Regulation I, 1804, are empowered to issue process within the limits of the invalid thannahs in the same manner as in other parts of the country.

Prosecutors and Witnesses.

Subpœnas how and by whom to be ſerved.

XXIII. *First.*—Subpœnas to prosecutors and witnesses shall be drawn out according to the form No. 11, of the Appendix, and shall be served by a single burkundauze, but the darogahs are strictly prohibited from delivering summonses to parties or their agents, to be served on their own witnesses.

Rules for the execution and delivery of recognizancesof witneſſes and proſecutors.

Second.—Prosecutors and witnesses, whose attendance may be necessary at the criminal courts, shall execute recognizances, (Mochulkas) according to the form No. 12 and No. 13 respectively, of the Appendix, before the police-officers, to appear before the magistrate on a specific day, which shall be the day whereon the party accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody; the police-officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a dispatch addressed to the magistrate, and drawn up after the form No. 14 of the Appendix, which the prosecutor or witness shall be required to deliver in person to the magistrate, unaccompanied by any officer of police.

Darogahs ſhall, in certain caſes, require bail from proſecutors for their appearance before the magiſtrate.

Third.—The police-officers are prohibited from subjecting prosecutors to any degree of restraint, unless their complaints should appear on inquiry to be false and malicious; in which case, the circumstances shall be reported to the magistrate, and the complainant shall be required by the darogah to furnish bail for his appearance before the magistrate; in the event of his not conforming to such requisition, he shall be forwarded under custody to the fouzdarry court.

Witneſſes ſhall be ſubjected to no reſtraint, nor required to give ſecurity. Penalty for refuſing to execute recognizance.

Fourth. The officers of police are strictly enjoined not to subject witnesses to any restraint or unnecessary inconvenience, nor to require them to give security for their appearance, but if any witness shall refuse to attend or to execute the recognizance directed in Clause Second of this Section, it shall be competent to the darogah or other police-officers presiding at the thannah, to forward such witness under custody to the magistrate's court.

Summons.

Summons.

XXIV. *First.*—On a complaint being preferred in writing to a darogah, or to any other officer of police authorized to receive the same, against a person subject to his jurisdiction, for any bailable crime or misdemeanor declared by this Regulation to be cognizable by the native officers of police, and which may not require the immediate apprehension of the accused, the police-officer receiving such complaint, upon the party complaining making oath (or a solemn declaration, if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath or declaration, if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to on oath, or under solemn declaration by some other credible person or persons, shall issue a summons under his official seal and signature, to be served through a single burkundauze, or through any known and accredited agent of the party complained against, who may be on the spot and willing to receive the same in behalf of his principal, but no summons shall be delivered to a complainant to serve on the person accused.

On complaints supported by oath or solemn declaration, summonses shall be issued by a single burkundauze, and not by the party complaining.

Second.—Police-officers intrusted with the service of summonses, in cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of the process, and, in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party whose attendance is required.

When bail is not required, acknowledgment of receipt of process is sufficient.

Third.—The summons to be issued by police-officers under the Rules contained in the preceding clauses, shall be made out in the form of No. 15 of the Appendix; but if the charge be of a serious nature, and such as may appear to require bail to secure the appearance of the party accused, either in person, or by vakeel before the magistrate, the summons shall be drawn up according to the Form No. 16, and shall specify the bail to be given, which is in no case to exceed what may be sufficient to prevent the parties absconding, before the case shall come before the magistrate, who will then issue such further process or order as he may judge proper.

Forms of bail for trivial or more important offences, bail shall not be excessive.

Fourth.—If an accused person on whom a summons shall have been served as directed in the preceding rules, shall not attend in person or by vakeel, and give bail (if required) according to the exigency of the summons within the period limited by it, the darogah shall issue a warrant (according to the Form No. 17 of the Appendix), under his official seal and signature, for the apprehension of his person.

What warrant shall be issued, in cases of persons neglecting summons.

Fifth.—Whenever any process may be issued by a magistrate or darogah of police for the attendance of any prosecutor or witness, or for the apprehension of any defendant (not being a proclaimed offender,) and such person may be absent, or may have absconded, the police-officer intrusted with the process shall require the proprietor, manager or head person of the village in which the person summoned may be said to reside, to furnish a written certificate of the individual's absence, engaging therein either to cause the attendance of the individual summoned on his return to his village, or to give information at the thannah of his arrival.

In case of absence, or absconding of the offender, darogah shall require from the head person of his village an engagement that he will deliver him up on his return, or give information of his appearance.

Sixth.—Should it afterwards be established, on inquiry before the magistrate, that the person summoned was actually in the village at the time of the execution of a certificate of the above description, or should it be proved that he returned to the village afterwards, and that the person executing the certificate had wilfully neglected to give due intimation of his return to the officers of the police, the person so offending shall be liable to be fined by the magistrate, in any sum not exceeding two hundred rupees, and in default of payment to be confined in the civil jail for any period not exceeding one month.

Penalty for failure in this engagement.

Arrest of Persons and Bail.

XXV. *First.*—Upon a complaint being preferred in writing to a darogah, or other police-officer authorized to receive the same, or on the receipt of credible information, whether given by confessing prisoners against accomplices, or by other persons against any person subject to his jurisdiction, for any crime of a heinous nature, such as murder, robbery, house-breaking, maiming, wounding, theft, setting fire to a village, house or other building, counterfeiting the current coin, or knowingly uttering base coin, or any crime involving a dangerous breach of the peace, such as a violent affray, or assembling persons to commit an affray, or any similar offence

In charges of a serious nature made on oath or solemn declaration, and under certain circumstances, a warrant to be issued.

requiring the immediate apprehension of the offender, and on the complainant or any other credible person or persons acquainted with the case, deposing on oath (or under a solemn declaration) to the truth of the complaint, the darogah shall examine the complainant, or party deposing, regarding the circumstances of the case; and on his being satisfied from the particulars communicated that there are grounds to believe that the charge is well founded, and that the immediate apprehension of the offender is necessary to the ends of justice, the darogah or other police-officer, by a warrant under his seal and signature, drawn out according to the form No. 17 of the Appendix, shall cause the person accused to be apprehended and sent in safe custody to the magistrate, within forty-eight hours after his apprehension, unless any special reason appear why the issue of process for apprehending the party accused should be stayed until the charge be reported for the orders of the magistrate, in which case such report shall be made without delay.

Warrant by whom to be ſerved, and how to be executed.

Second.—Warrants issued by the police-darogah shall be served by the jummadar and burkundauzes of the thannah, and the mode of execution shall be certified on the back of the process, which shall be filed and sent into the magistrate, together with the report and chelan which may accompany the prisoners.

Darogah to require aſſiſtance of landholders and others when neceſſary.

Third.—In issuing processes of arrest in cases in which the darogah of police may apprehend resistance, or on any occasions where the assistance of the landholders, or farmers, or their local agents may be necessary for the due execution of the process, the darogah shall, on the face of the dustuck, or warrant, specifically require in writing, the proper landholder or farmer, or local agent, (as the case may be,) to back the process, and to afford their aid for effecting its due execution.

Offenders taken in the act to be apprehended without a written warrant.

Fourth.—Darogahs, mohurirs or jummadars of the police, shall be competent to apprehend, without a written charge or warrant, persons who may be found in the act of committing a breach of the peace, or against whom a general hue and cry may be raised immediately after the commission of the criminal offence, or who shall be detected with stolen goods in their possession; but on such occasions it shall be incumbent on the officer of police by whom the arrest may be made to record his reasons for seizing the offending party, and to forward such person forthwith, together with a report of the circumstances of the case, to the magistrate of the district.

Dwelling-houſes not to be forcibly entered, except in caſes of neceſſity.

Fifth.—Officers of police shall not without necessity break open the door of a dwelling-house, or of any place of habitation, for the purpose of executing a warrant or other process of arrest. But if certain information be received that a person charged with murder, robbery, or other heinous offence, or violent breach of the peace, and against whom a warrant or other process of arrest may in consequence have been issued, is concealed within a house or other building, and such person shall not deliver himself up on the requisition of the police-officer, bearing a written warrant and the written process to apprehend him, the latter may, in the presence of two or more creditable inhabitants of the place, break open the outer door of the house, or other building, and also the door of any interior apartment, not being a zenanah or female apartment in the actual occupancy of women, by the usage of the country considered private, for the purpose of executing the warrant, or other process of arrest intrusted to him.

Zenanahs ſhall not be entered, except upon credible information that offenders are there concealed, and the women to be previouſly allowed to withdraw.

Sixth.—In such cases, if information be received that the person accused has concealed himself in a zenanah or female apartment, in the actual occupancy of women, the police-officer employed to execute the warrant shall surround the house, or take such other precaution as may be requisite to prevent the escape of the accused; and shall endeavour to ascertain, by the means of two creditable women, unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not on a further requisition deliver himself up, it shall be competent to the police-officer, in the presence of two or more creditable residents on the spot, to break open the female apartment and execute the process intrusted to him, giving notice at the same time to any women in the zenanah, that they may be at liberty to withdraw.

Abuſe of power ſubject to exemplary puniſhment.

Seventh.—Any wilful abuse and perversion of the powers hereby vested in police-officers for the ends of public justice will subject them, on conviction before the magistrate or Court of Circuit, to exemplary punishment, according to the circumstances of the case, besides immediate dismission from office.

Eighth.

Eighth.—Persons charged with the commission of murder, robbery, house-breaking, theft, setting fire to any house or village, counterfeiting the coin, maihem, or serious wounding, where the life of the party wounded may be in danger, shall not be admitted to bail, provided that there may appear reasonable grounds for believing that such persons have been guilty of the crime imputed to them; but in all other cases, if sufficient bail be tendered for appearance before the magistrate, the darogah or other police-officer shall accept such bail, and shall immediately release the party apprehended.

In what cafes bail ſhall not be accepted.

Ninth.—The bail to be taken for appearance before the magistrate, in pursuance of the preceding Rules, shall be in the form No. 18 of the Appendix.

Form of bail.

Tenth.—Persons who may wound or slay murderers, robbers or thieves in their own defence, or in defence of their property, shall not be proceeded against or placed in restraint, or required to give bail, except under the special orders of the magistrate; police-officers are strictly prohibited from acting in violation of the rule, under penalty of dismission from office.

Perſons wounding or ſlaying in ſelf-defence, not to be proceeded againſt except under ſpecial orders of magiſtrate.

Eleventh.—In cases of manifest necessity, when the darogah or other officer of police may be apprehensive of danger to the public tranquillity, by the enlargement of a person arrested on a charge of affray, violent assault or other bailable offence, without security being taken for his peaceable conduct, the party apprehended shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace, and the surety (or sureties) shall execute a recognizance according to the form, No. 19 of the Appendix, in an amount to be regulated by the circumstances of the case, and the condition of the person executing the same.

In caſes of manifeſt neceſſity, ſecurity for peaceable conduct ſhall be required in addition to bail. Form of recognizance to keep the peace.

Resistance or Evasion of Criminal Process.

XXVI. *First.*—If any person or persons shall resist or cause to be resisted the execution of any legal warrant or process, which the officers of the magistrate's court, or the officers of police may attempt to serve, or shall endeavour to rescue any person arrested, or under the custody of the magistrate's officers, or the officers of police, the darogah, if practicable, shall cause such offenders, as well as persons concerned in the resistance or rescue, to be apprehended and forwarded to the magistrate, with a report of the circumstances of the case, and the necessary evidence for establishing the misconduct of the accused; in case of actual rescue or violent resistance he shall also, if necessary, call in the aid of the officers of police stationed in the adjacent thannahs, who shall conform to such requisitions, provided they are conveyed in writing.

Perſons reſiſting proceſs ſhall be apprehended and ſent to a magiſtrate.

In extreme caſes neighbouring thannah officers ſhall be required to aſſiſt.

Second.—In modification of the provisions contained in Sections II and IV, Regulation XI, 1796, and Sections II and IV, Regulation III, 1804; the following rules are hereby prescribed for the guidance of the magistrates and police-officers in cases of resistance or evasion of criminal process.

Proviſions of former regulations, modified by the following rules.

Third.—If the person convicted of resisting or causing to be resisted the process of a magistrate, or police-officer, be a proprietor of land, or a sudder farmer paying revenue to Government in any zillah or city jurisdiction, not being that in which the offence shall have been committed, and it appear just and proper, on due consideration of the circumstances of the case, to extend the penalty of forfeiture declared in Section II, of each of the Regulations above mentioned, to the whole or any part of such lands or farms, it shall be competent to the magistrate to adjudge the same, subject to the prescribed confirmation of the court of Nizamut Adawlut, and the final orders of the Governor General in Council.

Property in other zillahs of landholders reſiſting proceſs ſhall be liable to confiſcation, under confirmation of Nizamut Adawlut, and Government.

Fourth.—In like manner, if a person charged with an offence of a criminal nature, who may abscond or conceal himself, so that the process issued against him cannot be served, shall possess land or other immoveable property, or a sudder farm paying revenue to Government in any other zillah or city jurisdiction than that wherein the offence charged against him may have been committed, and it shall appear necessary to attach the same with a view to cause the attendance of the accused person under the provisions of Sections IV, V and VI, of the Regulations specified in the preceding clause, it shall be competent to the magistrate, to whom the charge may be preferred, to order the attachment of the whole or any part of such property or farms; and the provisions of the three Sections referred to shall be considered applicable in such cases.

Property in land in other zillahs of perſons abſconding, ſhall be liable to be attached, with a view to cauſe their appearance.

Diſcretion veſted in magiſtrates to award a certain fine.

Fifth.—In all instances of resistance to the process of a magistrate or police-officer, wherein the magistrate may be of opinion that a fine to Government, not exceeding two hundred rupees, commutable, if not paid, to imprisonment, not exceeding six months, will be an adequate punishment for the offence, he is authorized to adjudge the same instead of the forfeiture of land or farm; and his judgment in such cases, as well as in all cases wherein a similar judgment may be passed by him against persons not being proprietors of land or sudder farmers, shall not be referable to the Nizamut Adawlut, but shall be final, unless altered or rescinded by the superior Criminal Courts, under the general Rules in force.

Moveable property of perſons not being proprietors of land, evading or reſiſting proceſs, liable to immediate attachment in caſe of ſuſpicion of removal.

Sixth.—If any person amenable to the authority of the zillah or city magistrates and police-officers shall resist or cause to be resisted any warrant, summons or other process of a zillah or city magistrate, or of any authorized magistrate or police-officer, and such person cannot be apprehended; or if any person charged with a criminal offence of a heinous nature shall abscond or conceal himself, so that, on a warrant issued against him at his usual place of residence by the local magistrate or police-officer, he cannot be found, and the party so resisting or evading the process against him be not a proprietor or sudder farmer of land, capable of attachment under the provisions of the Regulations mentioned in the preceding Section, and the foregoing clauses of the present Section, but shall be in possession of any moveable property which can be attached, and the removal of which might be expected, if not placed under immediate attachment, the police-officer issuing or serving the warrant in such cases is hereby authorized, on receipt of credible information that the person against whom the warrant is issued has recently absconded, or concealed himself for the purpose of evading it, to cause the attachment of any moveable property belonging to the absconding or concealed party within his jurisdiction, giving at the same time immediate information to the magistrate of the district, whose previous instructions shall be applied for when there may be reason to expect a removal of the property.

But till the magiſtrate's orders be known darogah ſhall only prevent removals.

Seventh.—The magistrate, on receipt of information directed in the above clause, will determine whether the case be such as to require a continuance of the attachment till the appearance of the accused person, or till a proclamation shall have been issued for his attendance, under the provisions of Regulations XI, 1796, and III, 1804, and will transmit instructions to the police-darogah accordingly, either for the release of the property attached by him, or for continuing the attachment, and taking an inventory of the property, in conformity with the following clause. Till the receipt of such instructions the police-officers shall adopt such measures only as may be requisite to prevent a removal of the attached property.

Rule of proceeding in making the attachment.

Eighth.—On receipt of the magistrate's instructions for an attachment of moveable property, the darogah of police, in the presence of two or more respectable inhabitants of the place, shall cause an exact inventory of the articles attached to be taken and duly attested, after which he shall deliver the property in charge to the head men, or any two or more respectable inhabitants of the place, taking an acknowledgment for the same, which shall be forwarded, together with an inventory of the property, to the magistrate.

Property ſhall be carefully preſerved, and a ſtrict account rendered, when the offender ſhall be entitled to receive it back.

Ninth.—In all instances where an attachment of property may be made under the foregoing rule, the police-darogahs shall enjoin the persons into whose charge the same may be delivered, to take care that there is no injury done to the property; and if the person charged appear within the period specified in the proclamation, the magistrate shall immediately, on the attendance of the party, cause the attachment to be removed, and a full account rendered of the property attached, subject only to any unavoidable expense which may have attended the attachment.

In the event of non-appearance or continued evaſion, property to be ſold for payment of fine, or benefit of Government.

Tenth.—If the proclaimed person shall not appear within the period fixed by the proclamation, the attached property, in cases of resistance of process, will be liable to public sale by order of the magistrate, for the purpose of making good any fine imposed on the offender; or should the attachment of moveable property have taken place under an evasion of process, it shall at the end of six months, supposing the absentee not to attend during that period, be at the disposal of Government, in common with any landed property attached under similar circumstances in pursuance of the Regulations in force.

Rule for proclaiming magiſtrate's order for appearance.

Eleventh.—Whenever a proclamation may be issued through a police-darogah by order of a magistrate, requiring the attendance of any person who may have evaded

or

or resisted the processes of the court, the darogah shall, in the presence of two or more creditable persons, not connected with the thannah establishment, cause such proclamation to be publicly read and promulgated by beat of drum, and affixed in the police-thannah, and on the outer door of the house which the party may have usually inhabited, or some conspicuous place in the village in which he may have generally resided.

On non-appearance, darogah shall report the due promulgation with witneſſes.

Twelfth.—On the expiration of the period specified in the proclamation, if the offender shall not appear to answer to the charge alleged against him, the darogah shall certify to the magistrate the mode in which the proclamation has been issued, and the date, time and place of promulgation, and shall send a sufficient number of witnesses to prove the due publication of the process.

Darogah shall aſſiſt zemindars required by magiſtrate to produce offenders; they shall alſo receive charge of them.

Thirteenth.—If any zemindar, farmer, local manager or other person, to whom a magistrate may have issued a warrant or order, in pursuance of Regulation III, 1812; or of any other Regulation in force for the apprehension of a person or persons proclaimed or charged with or suspected of a crime, shall apply to an officer of police for co-operation and support in the execution of such warrant or order; the police-officer to whom the application may be made, shall afford every assistance in his power for the due enforcement of the process, and, if required so to do in conformity with the Sixth Clause of Section IX, Regulation III, 1812, shall receive charge of the prisoner from the zemindar, farmer, local agent, or other person, and shall grant a written acknowledgment, specifying the name of the prisoner and the date on which he was delivered into his charge; he shall also, without delay, forward the prisoner under safe custody to the magistrate. If the person named in the application made to the police-officer should not be apprehended, the particulars of the application, and of the measures taken in consequence, shall be recorded, for the information of the magistrate, in the thannah-diary, prescribed by Section VIII of this Regulation.

Darogahs wounding or killing proclaimed offenders who may reſiſt to be held guiltleſs.

Fourteenth.—If any police officer in his endeavours to secure a proclaimed offender, for whose apprehension a proclamation may have been issued under the provisions of Regulation IX, 1808, should wound or slay him in consequence of his standing on his defence, or of his flying, the officer so wounding or slaying the criminal shall be deemed entirely guiltless with respect to that act; in like manner, if any police-officer intrusted with or assisting in the execution of any legal warrant for the apprehension of a person charged with murder, robbery, or other heinous crime, or pursuing a robber or murderer immediately after the commission of the crime, or resisting him during his attempt to perpetrate the crime, should wound or slay the offender in endeavouring to apprehend him, such police-officer shall be held guiltless of any criminal act.

Rewards shall be payable by the magiſtrate of the zillah or city in which offenders may be apprehended.

Fifteenth.—All rewards for the apprehension of proclaimed offenders, which may be sanctioned by the Regulations, and promulgated under the seal or signature of a magistrate, joint magistrate, or of the superintendants of police, will, if the offender be seized by the officers of police or other persons, be payable on the delivery of the person proclaimed to the magistrate of the zillah or city in which the offender may have been seized, as provided by Section XV, Regulation XVI, 1810.

Distraint for Arrears of Land Rent.

Proviſion of former regulations modified.

XXVII. *First.*—Section VIII, Regulation III, 1812, is hereby rescinded, and the provisions contained in Sections IX, X and XI, Regulation VII, 1799, in Sections IX, X and XI, Regulation V, 1800, and in Sections XVII and XIX, Regulation XXVIII, 1803, as far as they authorized any aid to be given by the police-officers to distrainers for arrears of rent, are declared subject to the following modifications.

Darogah ſhall iſſue a written proceſs upon occaſion of reſiſtance made or apprehended to an authorized diſtrainer.

Second.—Landholders, farmers and their local agents, or other persons empowered by the regulations to distrain for arrears of land-rent, who may be opposed, or who may be apprehensive of resistance in effecting the regular distraint, or in maintaining possession of property previously distrained, are authorized to apply to the darogah of the thannah, in whose jurisdiction the property may be, for assistance in making or maintaining the regular distraint; and the darogah, in order to support the distrainer and to prevent a breach of the peace, shall, on the distrainer certifying on oath or by a solemn declaration the opposition he has experienced, or the resistance which he apprehends, depute a muskooree peon, with a written process, bearing the seal of the

thannah, and signature of the darogah, and drawn up according to the form No. 20, of the Appendix.

Deputed peon ſhall attend to the proceedings of the diſtrainer.

Third.—It shall be the duty of the muskooree peon to exhibit to the defaulter the process prescribed by the preceding clause, and to use every means in his power to prevent resistance or other breach of the peace; and unless the arrear is liquidated, to support the distrainer in the exercise of the powers vested in him by the Regulations. He shall also give due attention to the whole conduct and proceedings of the distrainer, so as to be able to give evidence thereon, if afterwards required, either before the judge or magistrate.

Reſiſtance being offered to the peon, darogah, or moherir or jummadar, ſhall proceed to his aſſiſtance.

Theſe officers only ſhall ſearch dwelling-houſes for diſtrained property.

Fourth.—Whenever any peon, deputed under the foregoing rules, may depose that he has been opposed in the execution of such duty, or the darogah may be satisfied from the representation made on oath by the distrainer, in the first instance, that any resistance has been offered, amounting or likely to amount to a breach of the public peace, the darogah of police shall either proceed in person, or shall depute the moherir or jummadar of the thannah to support the distrainer and maintain the peace. He shall also proceed in person, or depute the moherir or jummadar of the thannah, whenever it may be proposed by a distrainer under the powers vested in him by the Regulations, to force open the outer door, or to search the private apartments of a dwelling-house in which the distrainable property of a defaulter may appear to have been concealed.

Burkundauzes ſhall aſſiſt in diſtraint, under orders of darogah, moherir or jummadar only.

Fifth.—The regular burkundauzes of the police establishment shall not be employed to aid distrainers for arrears of land-rent, except in cases where the darogah, moherir or jummadar may proceed in person under the Rules above prescribed.

Landholders, indigo planters, and others, ſhall not uſe ſtocks or other inſtruments of reſtraint.

Sixth.—The landholders, farmers and other local agents, and indigo planters, and other persons, are prohibited from using stocks, or any other instrument of restraint, for the purpose of confining ryots, or other individuals indebted to them, on any account whatever; and the darogahs of police shall report to the magistrates, for such orders or process as may appear proper under the general Regulations, all instances which may come to their knowledge of a violation of this rule.

Allowance and mode of payment of peons employed in diſtraint, not in the ſervice of Government.

Seventh.—Whenever any muskooree peons, not receiving wages from Government, may be employed by a police-darogah under the provisions of this Regulation, he shall receive tulubana, or diet-allowance from the person at whose instance he may be employed, at the rate of two annas per diem; and the darogah shall not issue any process by the hands of a muskooree peon until the estimated amount of the tulubana required for the fixed allowance of the peon at the above rate, during his employment, is deposited in advance; the darogahs are enjoined to prevent the muskooree peon from demanding or receiving, directly or indirectly, from any party, in cases in which they may be employed, any allowance or gratuity exceeding the above rate, and shall report to the magistrate any instances which may come to their knowledge of the violation of this Rule.

ABKAREE.

Darogahs ſhall aſſiſt, on the oath of an authorized revenue officer, in diſtraining for arrears of abkaree revenue.

XXVIII. *First.*—Whenever an officer on a collector's establishment, duly authorized to distrain property on account of arrears of revenue due from any manfacturer or vender of spirituous liquors, tarry, putchuye, or intoxicating drugs, including opium, may be resisted in the enforcement of the collector's process, he shall, on certifying such resistance on oath before a darogah of police, receive the aid of the regular police-officers of the thannah in effecting the attachment; and the police-officers shall be guided in their proceedings, in regard to entering and searching houses for property, belonging to defaulters, by the rules prescribed in this Regulation, for their conduct, in cases of distraint for arrears of land-rent, as far as the same may be applicable.

Further rule for the aſſiſtance of revenue officers.

Second.—Darogahs of police shall, as directed in Section XXIV, Regulation X, 1813, support the officers of the abkaree mehal, in the execution of search-warrants, issued under the seal and signature of the collector, for the discovery of unlicensed stills, or of the produce of such stills.

In ſuch caſes zenanas of reſpectable perſons ſhall not be entered.

Third.—It is provided in the Regulation cited in the preceding clause, that such search-warrants shall be executed only in the day-time, that is between sun-rise and sun-set, and, if possible, in the presence of two or more respectable inhabitants of the village in which the house or place proposed to be searched may be situated.

It

It is further provided that, in the execution of such warrants the apartments of the women, in houses belonging to persons of respectability and credit, that is, of all those classes whose women do not ordinarily appear in public, shall not be entered by the collector's officers, or by the officers of the police.

Rules to be observed by venders of spirituous liquors.

Fourth.—The licensed venders of spirits and drugs are bound by the conditions of their licences not to harbour robbers, thieves or riotous persons, nor to receive any goods or wearing apparel in barter for liquors or drugs; they are also bound not to open their shops before sun-rise, nor keep them open after sun-set, and are enjoined not to harbour any person in their shops during the night, but to give information to the nearest magistrate or police-officer of any suspected persons who may resort to their shops.

Darogahs shall report infractions of those rules.

Fifth.—The darogahs of police are enjoined to report to the magistrate any breach of the foregoing conditions which may come to their knowledge.—They will also proceed against any licensed vender of spirits or drugs who may be charged with a criminal offence cognizable by them, according to the general rules in force, which are applicable to the charge.

Execution of criminal process in the Commercial, Salt and Opium Departments; and duties of Darogahs relating to those Departments.

Security for the appearance of persons employed under commercial residents, accused of bailable offences, how to be given.

XXIX. *First.*—In all bailable cases, where it may be necessary, under the provisions of this Regulation, to summon or apprehend any weaver, manufacturer, molungee, or any officer or person engaged in the provision of the Company's investment, or employed in the Commercial, Salt or Opium Department, the darogahs of police shall transmit the summons or warrant, under a sealed cover, addressed to the commercial resident, salt or opium agent, or the head native officer of the aurung, kothee, or chokee, who will either give or direct sufficient security to be given, for the due attendance of the party, certifying on the back of the process the manner in which it has been served, and by whom the security has been given, or causing the defendant to accompany the officer bearing the darogah's process to the thannah.

In such cases the accused shall not be forced to appear till after the manufacturing season.

Second.—In cases of bailable nature, in which a person under engagements, and employed in the Commercial, Salt or Opium Department may be summoned under the provisions of the preceding clause, during the manufacturing season, the darogah of police shall, with the view of preventing unnecessary interruption to the manufacturer, require the party summoned to appear in person or by vakeel, either during or after the manufacturing season, as the circumstances of the case may dictate, subject to the future orders of the magistrate, to whom the darogah shall in each instance report the reasons which may have influenced him in the exercise of the discretion here vested in him.

Rule for serving summonses on witnesses employed in the Company's aurungs, and form of their recognizance.

Third.—Summonses to weavers, manufacturers, molungees, or to any officers or persons engaged in the provision of the Company's Investment, or employed in the Commercial, Salt, or Opium Department, to attend as witnesses, shall be served in the manner directed by the preceding clauses of this Section; but the commercial resident, salt or opium agent, or the head native officer of the aurung, kothee or chokee, shall, instead of requiring the person summoned to give security, or proceed to the thannah, take from the witness a recognizance agreeable to the form No. 13 of the Appendix, and shall deliver the same to the officer serving the process.

Warrants for offences not bailable, shall be served upon persons so employed, as upon others.

Fourth.—If a charge shall be preferred to a police-darogah against any weaver, molungee, or any other manufacturer, or any officer or person engaged in the provision of the Company's investment, or employed in the Commercial, Salt or Opium Department for an offence that is not bailable, and there shall appear to the darogah of police sufficient ground under the provisions of this Regulation for apprehending the person so charged, the warrant for his apprehension shall require him to attend immediately in person, and shall be executed in the same manner as upon persons not so employed. But the darogah, after securing the offender, is to give notice of his apprehension to the commercial resident, salt or opium agent, or to the head officer of the nearest aurung, kothee or chokee, as the case may be.

The darogah giving notice to the resident or agent.

Darogahs shall assist in the seizure of illicit salt.

Fifth.—The officers of police as required by the Second Clause of Section XI, Regulation VI, 1801, shall comply with applications made to them by a salt agent or superintendent of a salt chokey, or by the officers attached to the Salt Department,

or by any commercial resident or agent, or collector of revenue or customs, for assistance in effecting the seizure of alimentary salt illegally imported, manufactured, sold or transported, and also for the seizure of adulterated common alimentary salt, and for the attachment of the cattle, carriages, or boats used in transporting such salt.

Shall give notice of all illicit importation, adulteration or manufacture of salt.

Sixth.—If any officer of police shall receive information of any salt not made in the Company's provinces having been illegally imported into the said territories, or of salt of any description being transported without the proper rowannahs or char chittees, or of any salt being manufactured on account of individuals, by molungees or other persons, at the khalarees or salt-works established by individuals for the purpose of manufacturing salt on their own account or that of any other person, or of the adulteration of alimentary salt, by mixing with it the substance called "karee noon," or other substance, such as "natron," or native fossil alkali, or the vegetable alkali or potash, such police-officers shall transmit immediate notice thereof to the nearest officer in the Salt Department empowered to attach contraband or adulterated salt, and to the magistrate to whose immediate orders the said police-officer may be subject.

They shall not seize in the first instance of their own authority.

Seventh.—The police-officers shall confine themselves to sending the information aforesaid to the nearest officer in the Salt Department, and to the magistrate, and to assisting in the seizure of the salt, either under the orders of the magistrate, or on application from the officers of the Salt Department; and shall not seize or detain any salt in the first instance of their own authority, except when they may have been vested by order of the Governor General in Council with special authority for making such seizures, in which case they will receive separate instructions for their guidance in the performance of that duty.

Penalty for the unwarranted seizure of salt by darogahs.

Eighth.—In all cases in which it may appear that an attachment or seizure of salt has been made by an officer of police without the special orders of the magistrate, or an application from any public officer authorized to require the assistance of the police-officer by whom such attachment may be made, he shall be liable to dismission from office, and on the institution of a regular suit in the Dewanny Adawlut on the part of the proprietor, to the payment of full damages to the whole amount of the loss and expense to which the proprietors may have been subjected.

Darogahs enjoined to suppress the illicit cultivation of opium.

Ninth.—All officers of police are strictly enjoined, under pain of dismission from office, to assist in suppressing the illicit cultivation, manufacture, sale, purchase, importation, transportation, or possession of opium, as required by the provisions of Regulation XIII, 1816, which are herein recapitulated for their information and guidance.

Shall report cases of cultivation of the poppy; and

Tenth.—Whenever a police-darogah shall obtain intelligence of any land within his jurisdiction having been cultivated with the poppy, except with the permission or on account of Government, he shall immediately proceed to the spot, and, if the information be correct, shall attach the crop so illegally cultivated, and report the same to the magistrate.

Take security for the offender's appearance before revenue officers.

Eleventh.—Such police-officer shall at the same time take security from the cultivator of the ground for his appearance before the collector or other officer in charge of the abkaree mehal; and in the event of the cultivator not giving the required security he shall send him in custody to the magistrate, with the necessary witnesses, to prove the quantity of land which may have been cultivated by him with the poppy.

Penalty for omitting to send information.

Twelfth.—Any police darogah who shall knowingly permit the cultivation of the poppy within his jurisdiction, or who shall be convicted of conniving in any respect at the illicit cultivation of the poppy, shall, besides being liable to dismission from office for neglect of duty, be further subject, on conviction before the magistrate of the zillah, to the payment of the fine stated in Section XXXI, Regulation XIII, 1816, for whatever quantity of land shall have been so illegally cultivated within his jurisdiction with his knowledge or connivance; and the fine, if not duly paid, shall be commutable to imprisonment for a period not exceeding six months.

Miscellaneous Rules regarding Forts, armed Men, Military Stores, dress of Sepoys or Lascars, and Badges, public Roads, and insane Persons.

Darogahs shall report all circumstances that may appear to be dangerous to the public peace.

XXX. *First.*—The darogahs of police shall uniformly report to the magistrates whenever any individuals within their respective jurisdictions may entertain in their service any extraordinary number of armed men, or may commence building or repairing

repairing any fort or Gurhee, or collecting together any quantity of arms, ammunition, or military stores.

Second.—The darogahs of police are required to apprehend and send to the magistrate, in pursuance of Section IX, Regulation XI, 1806, all persons not actually in the Honourable Company's military service, or belonging to persons specially exempted by Government from the operation of the rule contained in the Section above mentioned, who may be found dressed in the uniform of the Company's sepoys or lascars, or in a dress so nearly approaching to that uniform as to enable the persons wearing it to impose themselves on the country people for sepoys and lascars.

Shall apprehend all unauthorized persons dressed in the uniform of Company's sepoys.

Third.—Native officers and sepoys, excepting subadars, jummadars and serangs, even though in the service of the Company, who may temporarily reside in or have occasion to travel into the interior parts of the country, being forbidden by the Fifth Clause of Section IX, Regulation XI, 1806, unless employed on the public service, to wear their uniform coats; the local officers of police are empowered and directed to apprehend all persons of the above description violating this prohibition, and to send them to the magistrate.

What persons may wear the Company's uniform, when not employed on public duty.

Fourth.—The darogahs of police are also empowered and directed to apprehend and send to the magistrate any peon, burkundauze, pyke, or other servant, not in the employ of any public officer, civil or military, who may be distinguished by a badge or chuprass in opposition to the prohibitory Rule contained in the Eighth Clause of Section IX, Regulation XI, 1806.

Persons not in the service of a civil or military officer shall be apprehended when wearing a badge or chuprass.

Fifth.—The darogahs of police shall prevent all encroachments on the public roads, and shall, at the same time, report the circumstances of each case for the information of the magistrate, and record an abstract of the same in his thannahdarry proceedings.

Darogahs shall report encroachments on the public roads.

Sixth.—The police-darogah shall secure and send to the Sudder-station of the district in which their thannahs may be situated, all insane persons found within the limits of their respective jurisdictions, from whose insanity there may be reason to apprehend any fatal or serious consequences, unless the friends of such persons will agree to enter into engagements to adopt such precautions as shall prevent their doing mischief. In such case, the police-officer to whom the engagements may be tendered, shall refrain from securing the person of the insane individual, and await the instructions of the magistrate, to whom the circumstances of the case shall be reported without delay.

Persons dangerously insane, shall be sent to the sudder-station, unless the friends of the party enter into engagements to prevent their doing mischief.

Judges of Circuit and Europeans.

XXXI. *First.*—The officers of police are enjoined to show every mark of personal respect and attention to the judges of circuit during their progress from station to station.

Respect to be shown to judges of circuit in their progress.

Second.—On the arrival of any European, not in His Majesty's or the Honourable Company's civil or military service, who may propose to settle within the limits of any thannah jurisdiction, the darogah of the division shall report the circumstance for the information of the magistrate.

Darogah shall report the arrival and proposed residence of any European not in his Majesty's or the Company's service.

Third.—The police-darogahs shall, towards the close of each English year, cause the form of statement, in English and Persian, No. 21 of the Appendix, to be exhibited to all Europeans not in His Majesty's or the Honourable Company's civil or military service, residing within their respective jurisdictions, and shall require such Europeans to furnish, for the information of the magistrate, separate statements filled up according to the prescribed form, either in English or Persian.

Form of statement to to be presented by darogahs to European residents, at the close of each English year.

Fourth.—The statements, prescribed by the preceding Rule shall be forwarded by the police-darogahs to the court of the magistrate on or before the 5th of January in each year.

These statements to be forwarded to the magistrate.

Despatches of Treasure.

XXXII. *First.*—The darogahs of police are enjoined to afford assistance on application from the revenue officers, for the safe custody and conveyance of despatches of treasure, and to allow such despatches to be deposited, during the night, for better security, within the house allotted for the thannah.

Darogahs to afford assistance and security to dispatches of Government treasure.

And, as far as poſſible, of bankers and merchants alſo.

Second.—The darogahs of police shall likewise, as far as their other duties will admit, afford protection to despatches of treasure, belonging to bankers and merchants, on application from the person in charge of the same.

Rules relating generally to Landholders, Managers of Estates, &c.

Darogahs to inculcate upon landholders their duties, in giving information of crimes, apprehending offenders and preventing affrays.

XXXIII. *First.*—The police-darogahs shall take every favourable opportunity, when employed on local inquiries, as well as on other occasions, of explaining to the zemindars, talookdars and other proprietors of land, malgoozaree or lakheraj, to the sudder farmers and under-renters of land, dependent talookdars, naibs, and other local agents, and to all native officers employed in the collection of the revenues and rents of land, on the part of Government or the court of wards, the duties incumbent upon them, and the responsibility attached to them, under the provisions of Regulations IX, 1808, VI, 1810, I, 1811, III, 1812, VIII, 1814, and any other Regulations in force, to communicate to the magistrates and police-darogahs, either publicly or secretly, all information which they may obtain respecting the commission of murder, robbery, house-breaking, arson or theft, within the limits of the estate or farm held or managed by them respectively; or respecting the resort of any known robbers, of whatever description, or the residence of any notorious receiver or vender of stolen property, within such limits, as well as to afford their assistance in the apprehension of proclaimed offenders, and of all persons for whose apprehension warrants may have been issued by the local magistrate, in pursuance of Section IX, Regulation III, 1812; and generally to co-operate with, assist and support the police-officers of Government in maintaining the peace, preventing as far as possible affrays and other criminal acts of violence, or apprehending the offenders under the rules and restrictions which have been enacted and promulgated in the Regulations.

With this view, magiſtrates ſhall be careful to furniſh darogahs with extracts or copies of certain regulations.

Second.—To enable the police-darogahs the more effectually and satisfactorily to perform the service thus required from them, the magistrates shall be careful to furnish them with copies of or extracts from all Regulations in force on the points above adverted to, or any other immediately connected with the aid to be given by landholders, farmers, under-tenants and managers of land, in support of an efficient police.

Zemindars intruſted with the charge of the police, to be furniſhed with copies of, and to obey this regulation.

Third.—Copies of this Regulation shall be furnished to all zemindars, or other landholders or managers of estates intrusted with the management of the police; and such zemindars, or other landholders or managers, shall observe the Rules therein prescribed for the conduct of the police-darogahs, as far as the same may be applicable to their duties as chief police-officers.

Police of Cities.

Cutwals and police-officers in cities and towns to be guided by this regulation, as far as applicable to them.

XXXIV. The cutwals and other police-officers appointed in the cities and towns shall be guided, in their discharge of the general duties of the police, by the Rules prescribed in this Regulation, for the guidance of the darogahs of police, as far as the same may be applicable, and in the special police duties of the cities and towns by the rules in force, which relate to the police of the cities and towns.

FORM No. 1.

CERTIFICATE of Dispatch.

Name of the Burkundauze.	Case.	Date and time of dispatch from the Thannah.	Date and time of arrival at the magistrate's court.	Date and time of departure from the magistrate's court.	Remarks.
Mootee Sing.	Murder, Mootee Ram, *vs.* Nuttoo & others.	10th March, at the 5th hour of the day.	12th March, at the 3d hour of the day.	13th March, at the 4th hour of the day.	

FORM No. 2.—CHELAN or Dispatch of Prisoners for the Thannah of Ziflah of

N° of the Chelan.	Name and residence of the complainant or prosecutor.	Names of the prisoners, & their place of residence; also the name of the Pergunnah, and of the Landholder or Farmer.	Abstract of the offence, and the date of its occurrence, and also the date of the urzee, complaint, or information.	Date and time of the apprehension of the accused.	Where apprehended, and by whom.	Date and time of the arrival of the accused at the thannah.	Date and time of his dispatch to the Sudder Station, and under charge of what Burkundauze.	Names of the Witnesses.	Remarks.
1.	Ramdial, inhabitant of Mouza Serai Akel.	1. Jesook, inhabitant of Mouza Jaunsut, Pergunnah Dulmow, in the estate of Ramsing, Zemindar. 2. Matab, inhabitant of Mouza Paharee, Zemindar, and Pergunnah as above.	Burglary and wounding on the 5th. of April 1816. Complaint made on the 6th of April.	On the morning of the 15th of April.	By Nuttoo Chokeedar, in the village of Jaunseet.	On the evening of the 15th of April.	On the evening of the 16th of April, under the custody of Ramsing and Motee Sing, Burkundauzes.	Bood Sing Kaorah Rutnah Khodabuksh.	

FORM No. 3.—CHELAN or Dispatch of Property
Thannah of in the District of
List of Property found in the House of and dispatched to the Foujdarry Court, under charge of on
the corresponding with

N° of the Chelan.	Number affixed to each article.	Name or description of the article.	Weight.	Estimated value.	In what place found.	Date and time of finding.	Names and residence of the witnesses, in whose presence the property was found.	Name of the person on whom, or in whose premises the property may be found.	Abstract particulars, stating what property is claimed as plundered or stolen, and what is deemed suspicious.

FORM No. 4.

STATEMENT of crimes of a heinous nature, ascertained to have been committed or attempted within the limits of the Thannah of during the month of

No.	Crimes.	Committed.	Attempted.	Number of Offenders concerned.	Number apprehended	Remarks.
1.	Dacoitee, attended with murder					
2.	Ditto, ditto with wounding					
3.	Simple dacoitee					
4.	River dacoitee					
5.	Wilful murder					
6.	Maihem, or malicious wounding					
7.	Highway robbery by footpads, attended with murder, wounding, or other circumstances of aggravation					
8.	Simple highway robbery by footpads					
9.	Highway robbery by horsemen					
10.	Cattle-stealing					
11.	Homicide					
12.	Affrays and riots of a serious nature					
13.	Burglary, attended with murder or wounding, or other circumstances of aggravation					
14.	Simple burglary					
15.	Thefts, exceeding ten rupees					
16.	Ditto, under ten rupees					
17.	Thangee Daree					
18.	Arson					
19.	Counterfeiting the coin, or uttering base coin					
20.	Suicide					

N. B.—The number of accidental deaths, whether occasioned by falling into rivers, lakes, or wells; by wild beasts, venomous animals, or other causes; also any considerable mortality, whether proceeding from famine or other cause, and extraordinary event, which may be brought to the knowledge of the police-officers during the month, shall be noticed at the foot of this statement.

FORM No. 5.

REGISTER of Offenders who have escaped from Gaol, or for the apprehension of whom Proclamations may have been issued under the provisions of Regulation IX, 1808, or who being charged or suspected of the commission of specific crimes of a heinous nature may have eluded the pursuits of justice, and for whose apprehension process may have been issued from the Magistrate's Court.

Name and cast of the person, with a specification whether he may have escaped from gaol, or may have been proclaimed, accused or suspected.	Name of the father.	Supposed age of the offender.	Description of his person.	Supposed usual place of his residence.	Amount of reward offered for his apprehension.	Date of the magistrate's order for the apprehension of the offender.	Date of proclamation.	Date of apprehension, surrender, or ascertained death.

FORM No. 6.

REGISTER of Village Watchmen, and alphabetical List of Villages.

Names of Villages.	Distance and direction from the Thannah station.	Names of the Proprietors or Managers, and situated in what Pergunnah.	Names of the Chokeedars or Watchmen attached to each Village.	Estimated number of Houses in each Village.	Remarks.

FORM No. 7.

LIST of the Police Establishment of the Thannah of for the month of

Number.	Name of each Police Officer.	Date of Appointment.	Date of Discharge.	Absent on leave, from what date.	Amount of Salary due.

FORM No. 8.

STATEMENT of Dawk Chokees established by the Landholders, &c. for the conveyance of the Public Correspondence to and from the Thannah of situated at the distance of Coss, south from the Sudder Station.

N° of the Chokee.	Name of the Village or Place where the Chokee may be established, and in what Pergunnah.	Name and residence of the person to whom the papers are to be delivered for dispatch.	Names of the Dawk Peons at each Station.	Name of the landholder or local Agent, and his place of residence.	Distance of one Chokee from another.	Remarks, Containing particulars in regard to the direction of one Chokee from another, Rivers, Ghauts, &c. &c.
1.	Lal Gunge, Pergunnah Boozuah.	Manick Mundul, of Mouza Lal Gunge.	Kulloo Phekoo.	Mahomed Sha, Zemindar, residing at Moorshedabad.		
2.	Phoolpoor.	Ramnat Putwaree, of Mouza Phoolpoor.	Maun Sing and Ram Sing.	Ramnat, farmer, residing at Nattore.	Four coss from Lal Gunge.	South-west from Lal Gunge, a Nullah between this and the last Chokee, fordable during the year.

FORM No. 9.

Declaration to be subscribed by a Hindoo Prosecutor, exempted from taking an Oath.

I solemnly declare, in the pressnce of God, that I will state, according to the truth, all the circumstances within my knowledge, regarding the case of . I will not conceal what is true, nor depose to any thing false: if I declare any thing not warranted by the truth, I shall be deserving of punishment from Ishwur.

Declaration to be signed by a Mahomedan Prosecutor, exempted from taking an oath.

I solemnly declare, in the presence of Almighty God, that I will state, according to the truth, all the circumstances within my knowledge, regarding the case of . I will not conceal what is true, nor depose to any thing false: if I declare any thing not warranted by the truth I shall be deserving of punishment from God.

(After the Prosecutor has stated the Charge, he is to subscribe the following Declaration.)

I swear, in the presence of Almighty God, that I have truly and correctly stated all the circumstances within my knowledge, in regard to the case of

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No. 10.

Form of Search Warrant.

Whereas there is strong cause to suspect that plundered or stolen goods or effects are within the dwelling-house or premises of [name and cast of suspected person] inhabitant of ; you are hereby authorized and required, with necessary and proper assistance, to enter into the said dwelling-house or premises of the said , and if any goods or effects shall be found therein, which there may appear cause to suspect to have been plundered or stolen, you are required to bring the property so found, and also the person of the said , to the thannah of

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FORM No. 11.

Subpœna to Prosecutors and Witnesses.

To
inhabitant of
Whereas your attendance is required to state what you know in the case of ; you are hereby required to appear at the thannah of , on [day of week] the [date] at the hour of ; herein fail not , dated the [day of month and year current in the jurisdiction.]

FORM No. 12.

Recognizance to be taken from a Prosecutor.

Whereas I , inhabitant of , have complained against , inhabitant of , charging him with : I hereby engage to appear before the magistrate of the zillah [or city] of , on or before the , to prosecute the said complaint; in default whereof I further bind myself to pay such fine to Government as the magistrate may judge proper to impose upon me, as well as any expense that may be incurred in consequence of my non-attendance, for compelling my appearance: in this I will not fail: date [according to the current era.]

FORM

FORM No. 13.

Recognizance to be taken from a Witness.

Whereas I , inhabitant of , have been named as a witness in the case of : I hereby engage to appear before the magistrate of the zillah [or city] of , on or before the , for the purpose of giving evidence; in default whereof I hereby further bind myself to pay such fine to Government as the magistrate may judge proper to impose upon me, as well as any expense that may be incurred in consequence of my non-attendance, for compelling my appearance: in this I will not fail: dated [according to the current era.]

FORM No. 14.

Certificate of Despatch.

Name of the Prosecutor and Witness.	Case.	Date of Despatch from the Thannah.	Name of the Thannah.
Ramdial, Witness.	Methoo, charged with the murder of Ram Sing. Chelan No.	5th April.	Sumbul.

No. 15.

Form of Summons.

To , inhabitant of
Whereas your attendance is necessary to answer to a charge of you are hereby required to appear, in person or by vakeel, before the magistrate of the zillah [or city] of , [or at the thannah of ,] on or before the day of : herein fail not , dated the day of

No. 16.

Form of Summons requiring Bail.

To , inhabitant of ,
Whereas your attendance is necessary to answer to a charge of : you are hereby required to appear, in person or by vakeel, before the magistrate of the zillah [or city] of , [or at the thannah of ,] on or before the ; you are further required to furnish a surety [or sureties] in the sum of rupees , for your attendance, in person or by vakeel, during the trial of the case before the magistrate.

No. 17.

Form of Warrant.

To
[name and designation of person deputed to serve the warrant.]
Whereas , inhabitant of , stands charged with the crime of : you are hereby directed to apprehend the said , and to produce him before me: in this fail not.

N. B.—The warrant shall be addressed to the jummadar, or other police-officer, by whom it is to be executed; and shall, in all practicable cases, bear the seal of the thannah, and invariably the signature of the officer issuing the process.

FORM No. 18.

Bail Bond.

Whereas , inhabitant of , stands charged with , and is required to appear before the magistrate of the zillah [or city] of , on or before the , to answer to such charge: I hereby bind myself to produce the said before the said magistrate, on the date aforesaid; and to be answerable for *his* appearance, until a final order be passed by the magistrate upon the said charge; in default whereof I further bind myself to forfeit to Government the Sum of Rupees : in this I will not fail: dated this day of

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FORM No. 19.

Recognizance for keeping the Peace.

Whereas , inhabitant of , stands charged with and has been called upon to give security to keep the peace whilst such charge is under investigation: I hereby declare myself surety for the said , that he shall not commit any act that can occasion a breach of the peace whilst the said charge is under examination; in default whereof I further hereby bind myself to forfeit to Government the Sum of Rupees ; dated this day of

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FORM No. 20.

Distraint.

Process to be delivered to a muzkooree peon, deputed to aid a distrainer.

Whereas [name of the distrainer or of his local agent,] has made oath before me that he has been opposed, or that he fears he may be opposed in effecting the distraint of certain property belonging to ; which he considers it necessary to attach for the recovery of an arrear of land-rent, amounting to rupees , due from [name of the defaulter or of his security,] the bearer of this process [name of the muzkooree peon,] has been deputed from this thannah to aid the distress of the property of the said [name of the defaulter or security;] and it is hereby notified to the said [name of the defaulter or security,] that if he disputes the justness of the arrear demanded, it behoves him to apply forthwith under the provisions of Sections XV and XVI, of Regulation V, 1812, to the judge or collector of the zillah, or to the cauzee, or moonsiff of the pergunnah; but that in the mean time he is required either to liquidate the amount claimed, or to allow his property to be peaceably distrained, under penalty of disobedience to this requisition of suffering such punishment as the magistrate may, under the Regulations, judge proper to inflict.

FORM No. 21.

Notice.

All Europeans, not being in the service of His Majesty or of the Honorable Company, are hereby enjoined, on the requisition of the darogah of police, within the limits of whose jurisdiction they may be residing, to report themselves in writing to the magistrate of the district, on a separate paper, drawn out after the form subjoined.

[To be signed by the magistrate.]

Statement of Europeans residing within the jurisdiction of the Thannah of

Name.	Place of residence.	Native country.	Employment.	Year of arrival in India.	Authority for residing in India, and Date.	Authority for residing in this District, and Date.	Remarks.

General Abstract of the Contents of Regulation XX, 1817.

Section II. Specification of provisions of former regulations rescinded.

Clause First. Provisions of regulations rescinded.
Second. Ditto ditto.

Section III. Appointment and removal of police-officers.

Clause First. Appointment and removal of police-officers, in whom vested.
Second. Cutwals and darogahs not to nominate subordinate police-officers, except when specially directed.
Third. Sunnud to be furnished by magistrates to police-officers on their appointment.

Section IV. Relative rank and general functions of officers on the thannah establishments.

Clause First. General duties of darogahs, and their control over the subordinate thannah-officers.
Second. Rank and special duties of the mohurir.
Third. Rank and special duties of the jemmadar.
Fourth. Police-officers generally to obey the orders of the superintendents of police, and joint and assistant magistrates.

Section V. Rules regarding the use of a seal of office at each thannah, and the badges, arms, and accoutrements of the police-burkundauzes.

Clause First. Cutwals and police-darogahs to use a seal of office, its description.
Second. Burkundauzes to wear a certain badge; its description; their arms and uniform.

Section VI. Powers and duties of police-officers employed at out-posts.

Clause First. Police-officers stationed at out-posts, how to be guided.
Second. Officers so stationed to perform their prescribed duties under the control of the darogahs.
Third. They may apprehend certain description of criminals without a warrant from magistrate or darogahs.
Fourth. Persons so apprehended to be forwarded immediately to the thannah, with a report on the case.

Section VII. Rules regarding the application of police-officers for leave of absence, and the deputation of burkundauzes to the sudder-station.

Clause First. Appointment and salary of persons officiating for police-officers, how to be regulated.
Second. Burkundauzes dispatched to magistrate's court shall be provided with a certificate. Appendix No. 1.
Third. Which is to be presented to the nazir, who shall report any delay.
Fourth. Burkundauzes how to proceed on leaving the sudder-station.

Section VIII. Records to be kept and preserved at the thannah.

Clause First. Police-darogahs and mohurirs carefully to preserve and to promulgate all regulations of Government sent to the thannahs.
Second. Rules for the care, preservation and inspection of the thannah-books and registers.
Third. Darogahs to be furnished with blank books of diaries.
Fourth. In these every occurrence to be entered.
Fifth. What circumstances to be entered when prisoners are apprehended.
Sixth. The purport of every petition, &c. to be entered. Penalty for darogahs wilful omission or misrepresentation of any official act.
Seventh. Entries how to be attested.

Eighth. Rules for furnishing new diary-books when required.
Ninth. A book to be kept, containing copies of reports, returns, &c.
Tenth. Ditto of purwannahs and orders.
Eleventh. Ditto of chelauns.
Twelfth. Ditto of register of heinous offences.
Thirteenth. Ditto of lists of stolen property.
Fourteenth. Ditto of proclaimed offenders.
Fifteenth. Ditto of list of villages comprised within the thannah jurisdiction.

Section IX. Rules regarding returns, reports and statements, to be sent to the magistrates or to the superintendents of police.

Clause First. What abstracts and other documents shall in future be transmitted to the magistrate.
Second. A list of the thannah-officers entitled to pay, to be sent monthly to the magistrate. Rules for their payment.
Third. Rules to be observed in preparing abstract monthly statements of heinous crimes.
Fourth. Wilful murder to be particularly distinguished. Rules for the classification of homicide not wilful.
Fifth. Malicious wounding, or injuring simply, how to be classed.
Sixth. Affrays, attended with wounding or killing, or violent breach of public peace, how to be classed; drunken broils and assaults not to be included under that head.
Seventh. All cases of entering or breaking into, at any time or by any means, houses, boats, &c. with intent to rob, how to be classed.
Eighth. Receiving of stolen property, ditto.
Ninth. Arson, (accidental fires not to be included,) ditto.
Tenth. Suicide how to be entered.
Eleventh. All heinous offences to be reported, though the offenders be not discovered; unsuccessful attempts to commit offences, how to be distinguished.
Twelfth. Form No. 4, to be periodically transmitted to the superintendents of police.
Thirteenth. Rules for writing and dating of all reports; examinations, to be transmitted to the magistrates.
Fourteenth. Rules to be observed in transmitting papers to the foujdarry court
Fifteenth. Limited time for the execution of orders and processes, to be specified by the magistrate.
Sixteenth. Returns to orders, how to be written and registered.
Seventeenth. In the event of delay in making such returns, the cause to be reported at the expiration of the specified time.
Eighteenth. Reports to be accurate and concise.

Section X. Rules regarding dawks, and for expediting the transmission of official papers to and from the thannahs.

Clause First. Importance of securing the speedy transmission of information.
Second. Superintendence of despatches by dawk, in whom vested.
Third. All Government dawk-officers throughout the provinces to convey orders and reports free of expense.
Fourth. Establishment of subordinate dawk-stations, peons and pykes, to be appointed by zemindars for this duty, where there is no regular dawk. General duties of darogahs on this point.
Fifth. Penalty in case of landholders, &c. neglecting the above rules.
Sixth. Rule to prevent delay in the transmission of papers by such dawks.
Seventh. Further rules for the transmission of thannah-reports,
Eighth. Darogahs to transmit by dawk or otherwise, reports and papers intrusted to them by the native commissioners.

Section XI. Prohibiting various irregular practices on the part of the police-officers.

Clause First. Police-officers shall not trade.
Second. Darogahs shall not employ police-officers on their own private affairs.
Third. Penalties in case of a police-officer receiving or demanding money from any of the parties in a criminal process.

Fourth.

Fourth. Darogah to prohibit the permanent employment at his thannah of the agent of any landholder or farmer.

Fifth. Without special authority no darogah shall employ a vakeel at the magistrate's court on official business.

Sixth. Except in cases of emergency, no extra mohurirs shall be employed at thannahs without the sanction of the magistrate.

Seventh. No professional spy to be employed by darogahs without express sanction of magistrates, but individuals to be encouraged to give information, with a view to the apprehension of notorious offenders.

Section XII. Charges not cognizable by police-officers.

Clause First. What crimes the darogahs are prohibited from taking cognizance of.

Second. Persons bringing forward complaints of the above description to be referred to the magistrate.

Third. Police-officers prohibited from admitting compromises, from interfering in any matter not authorized by the regulations, and from inflicting punishment and exacting money.

Section XIII. General duties of police officers on receiving charges or information of heinous offences.

Clause First. Upon receiving information on oath, or on a hulfnama, of a crime cognizable by him, the darogah shall inquire into the circumstances, and examine, publicly or privately, witnesses to the fact.

Second. Evidence not to be detailed, but the substance only to be transmitted to the magistrate.

Third. Sketch of the spot to be transmitted under certain circumstances, and date of occurrence to be accurately noted.

Fourth. Darogahs shall not swear witnesses, except in cases sanctioned by regulation.

Fifth. Darogahs to endeavour to despatch all evidence, and to secure the attendance of witnesses in due time, so as to prevent delay in the inquiry.

Sixth. When the offenders are unknown, the witnesses to the inquiry shall not be bound over to attend without special orders from the magistrate.

Seventh. Names and persons of known but absconding offenders shall be accurately described.

Eighth. Separate reports to be made, when a person shall in the course of inquiry appear to have been guilty of more than one offence, or when zemindars shall have been negligent in reporting.

Ninth. If any person, sent to the magistrate's court, shall be known to have been formerly apprehended, the date of the former case shall also be reported.

Tenth. Rules when darogahs shall have occasion to leave their thannahs. Reports to be dated in the current era of the district.

Section XIV. Rules for holding inquests on occasions of murder, homicides, wounding, and unnatural deaths.

Clause First. Landholders and others held responsible for the early communication of unnatural or suspicious deaths. Penalties for neglect.

Second. On receiving information of such cases the darogah shall immediately proceed in person, or dispatch an officer to the spot.

Third. Connexions or neighbours to be questioned in the first instance.

Fourth. Individuals severely wounded to be required to describe the circumstance on oath.

Fifth. Rules for inspecting the body of the deceased, or of the wounded person.

Sixth. Rules for the description of the place where the body was found.

Seventh. If the deceased be a stranger, to ascertain where he was last seen.

Eighth. If the offenders shall not be speedily discovered, to ascertain whether any person in the neighbourhood bore enmity to the deceased; when the unknown offender is supposed to have been wounded, to examine the neighbouring village surgeons.

Ninth. The sooruthal to be attested by the darogah or police-officer, and by a sufficient number of people who may have been present.

Tenth. In cases of murder, the instruments or weapons to be procured if possible.

Eleventh. Assistance to be procured for wounded persons, who are not to be removed so long as risk attends their removal.

Twelfth. Rules for the disposal of the body in cases of murder or unnatural death.

Section XV.—Inquiries to be made by the police-officers in cases of gang-robbery, burglaries, and other heinous offences.

Clause First. In cases of robbery by open violence, and certain other heinous offences, the darogah will proceed to the spot, or dispatch an officer.

Second. Detail of the inquiries to be pursued in such cases.

Third. Such inquiries are to be committed to writing, and attested by three or more respectable inhabitants of the neighbourhood.

Fourth. Caution against information being withheld in the first instance.

Fifth. Instances of burglary and theft, or attempts, shall be reported.

Sixth. Accuracy to be observed in the date of the offence, and description of the circumstances.

Seventh. Information to be required from the zemindars and others.

Section XVI.—Search for plundered or stolen property.

Clause First. Search for stolen property how to be conducted.

Second. Without a written declaration officers shall not search the interior of any building, except by special order of the magistrate.

Third. Execution of search-warrants to be reported.

Fourth. Representations regarding stolen property to be sent to the magistrate for his orders.

Fifth. Particulars relating to the search; what persons to be present.

Sixth. Surreptitious introduction of articles into the house, to be carefully guarded against.

Seventh. Rules to be observed in searching zenanas.

Eighth. The person in whose house property alleged to be stolen is found, being unable to give a good account of the same, shall be forwarded to the magistrate.

Ninth. Rule for the disposal of unclaimed suspicious property.

Tenth. All particulars regarding property so found shall be carefully transmitted to the magistrate.

Eleventh. Rule for transmission of valuable articles of small bulk.

Twelfth. Unclaimed or suspected property only shall be removed; not to be restored without magistrate's order.

Thirteenth. In heinous cases a list of property plundered to be affixed in a conspicuous place, and due notice given.

Fourteenth. Inquiries to be made from the persons in whose possession the property may be found.

Fifteenth. Person finding suspicious property in his own house or premises, how to proceed.

Sixteenth. Unclaimed property to belong to Government. Rules for its transmission.

Seventeenth. Ten per cent. of the value of stolen property to be granted to the recovering officers.

Section XVII.—Duties of police-officers with regard to coiners and utterers of base coin.

Darogahs shall search houses of persons accused upon credible evidence of coining, &c. and transmit to magistrate coins, implements and accounts, together with the offenders.

Section XVIII.—Duties of police-officers in the prevention or suppression of affrays and riots.

Clause First. Officers of police to be present at fairs, festivals, &c.

Second. On notice being given of an intended affray, officers shall require zemindars to disperse the people, on pain of confiscation of the matters in dispute.

Third. They shall endeavour to induce them to disperse, or to submit their dispute to arbitration; they shall proclaim aloud the consequences of a breach of the peace, and take certain measures to mark the guilty.

Fourth.

Fourth. Darogahs shall not depute burkundauzes to defend the property of either party.

Fifth. Disputed land, or crops, shall be described, and boundaries sketched.

Section XIX.—Duties of police-officers in receiving confessions, and in the treatment of prisoners generally.

Clause First. Examinations of prisoners to be taken without oath in the presence of three or more credible witnesses. Rules in cases of voluntary confession.

Second. Compulsion, or holding out hopes or fears to induce confession, strictly prohibited; penalty on conviction,

Third. Special reason must be stated, if the confession be received at night, or in any other place than the police-thannah.

Fourth. Darogah may hold private verbal examinations.

Fifth. Prisoners confessing to be kept separate.

Sixth. Witnesses to be carefully bound over.

Seventh. Thannah prisoners how to be confined.

Eighth. Prisoners of attrocious character may, in the night time only, be placed in stocks.

Ninth. They may also be forwarded in light hand-cuffs.

Tenth. A strict account shall be taken of unnecessary severity.

Eleventh. Rate of travelling for prisoners.

Twelfth. Head men and others shall provide for the custody of prisoners passing through their estates or villages.

Thirteenth. What diet-money to be allowed to prisoners unable to support themselves during the journey.

Fourteenth. Rules for their being delivered over to the proper officers at the sudder-station.

Fifteenth. Prisoners sent from one station to another shall be transmitted from thannah to thannah by police-burkundauzes.

Sixteenth. No prisoner shall be detained at the thannah-cutcherry more than forty-eight hours.

Seventeenth. Persons apprehended, whether bailed or not, shall be reported, and shall not be discharged, except on bail, or by special order.

Section XX. Rules relating to notorious offenders and to vagrants; their apprehension and discharge.

Clause First. Darogahs in every district to forward to magistrate all notorious characters.

Second. Credible information being given of such characters, darogahs are to make private inquiries; if they see fit they shall apprehend the person, and, as he accounts for himself, shall discharge or transmit him to magistrate.

Third. But shall not in the foregoing case make the inquiries provided for in next clause.

Fourth. Police-officer, when directed to make a local inquiry, shall take the evidence of certain persons as to the suspected person's mode of life.

Fifth. This report, if favourable, shall be transmitted to magistrate, if not, witnesses shall be immediately bound over to appear.

Sixth. Persons of bad and suspicious character, discharged from confinement, are to be released in presence of the head men of their village, who shall be liable to a penalty in the event of their not giving certain enjoined information.

Seventh. Penalty specified.

Eighth. Darogahs shall apprehend all vagrants.

Ninth. On receiving information of their resort, care to be used in their apprehension and examination.

Tenth. When names are not known, darogah may apprehend without a specific warrant; when large bodies of vagrants are assembled he shall apply for assistance to certain authorities.

Eleventh. In what cases the darogah empowered to admit such persons to bail, and to wait the magistrate's orders.

Twelfth. Darogahs enjoined to be careful in the execution of this duty.

Section XXI. Village watchmen.

Clause First. Darogahs shall keep a complete list of village watchmen, zemindars, or other authorized persons, to nominate a successor on the occurrence of a vacancy.

Second. Village watchmen subject to police-darogahs.

Third. Rule for the delivery of reports of watchmen residing at a certain distance from the thannahs.

Fourth. Occurrences reported by the village watch to be entered in thannah-diaries.

Fifth. Proclaimed offenders, and those taken in the commission of public offences, shall be sent to the thannah by the village watchmen, who shall give the earliest intelligence of the residence of offenders and commission of crimes.

Sixth. Rule for receiving the reports of village watchmen.

Seventh. Supervision to be exercised by the darogah; penalty upon proof of negligence or abuse.

Eighth. Watchmen not to be employed on darogah's private concerns.

Ninth. In places where regular police establishments may be stationed, duties of watching by whom to be performed.

Tenth. The village watchmen to resist robbers to the utmost of their power, and to require zemindars and head men to lend their assistance in the pursuit and apprehension of criminals; penalty for their refusal.

Section XXII. Concurrent jurisdiction of police-darogahs.

Clause First. Darogahs to transmit intelligence of heinous crimes (if the perpetrators be not apprehended) to neighbouring thannahs.

Second. And may pursue into other thannahs or zillahs.

Third. Under what circumstances a concurrent jurisdiction to be exercised.

Fourth. Rule in the case of a darogah's apprehending offenders in the jurisdiction of another magistrate.

Fifth. Ditto with regard to invalid thannahs.

Section XXIII. Prosecutors and witnesses.

Clause First. Subpœnas, how and by whom to be served.

Second. Rules for the execution and delivery of recognizances of witnesses and prosecutors.

Third. Darogah shall, in certain cases, require bail from prosecutors for their appearance before the magistrate.

Fourth. Witnesses shall be subjected to no restraint, nor required to give security; penalty for refusing to execute recognizance.

Section XXIV. Summons.

Clause First. On complaints supported by oath or solemn declaration, summonses shall be issued by police-officer, and served by a single burkundauze, and not by the party complaining.

Second. When bail is not required, acknowledgment of receipt of process sufficient.

Third. Forms of bail for trivial or more important offences; bail shall not be excessive.

Fourth. What warrant shall be issued in cases of persons neglecting summons.

Fifth. In case of absence or absconding of the offender, darogah shall require from the head person of his village an engagement that he will deliver him up on his return, or give information of his re-appearance.

Sixth. Penalty for failure in this engagement.

Section XXV. Arrest of persons, and bail.

Clause First. In charges of a serious nature, made on oath or solemn declaration, and under certain circumstances, a warrant to be issued.

Second. Warrant, by whom to be served, and how to be executed.

Third. Darogah to require assistance of landholders and others, when necessary.

Fourth. Offenders taken in the act to be apprehended without a written warrant.

Fifth. Dwelling-houses not to be forcibly entered, except in cases of necessity.

Sixth.

Sixth. Zenanas shall not be entered except upon credible information that offenders are there concealed, and the women to be previously allowed to withdraw.

Seventh. Abuse of power subject to exemplary punishment.

Eighth. In what cases bail shall not be accepted.

Ninth. Form of bail.

Tenth. Persons wounding or slaying in self-defence not to be proceeded against, except under special orders of magistrate.

Eleventh. In cases of manifest necessity security for peaceable conduct shall be required, in addition to bail. Form of recognizance to keep the peace.

Section XXVI. Resistance or evasion of criminal process.

Clause First. Persons resisting process shall be apprehended and sent to magistrate; in extreme cases neighbouring thannah-officers shall be required to assist.

Second. Provisions of former regulations modified by the following rules.

Third. Property in other zillahs of landholders resisting process shall be liable to confiscation, under confirmation of Nizamut Adawlut and Government.

Fourth. Property in land, in other zillahs, of persons absconding, shall be liable to be attached, with a view to cause their appearance.

Fifth. Discretion vested in magistrate to award a certain fine.

Sixth. Moveable property of persons not being proprietors of land evading or resisting process, liable to immediate attachment in case of suspicion of removal.

Seventh. But till the magistrate's orders be known darogah shall only prevent removal.

Eighth. Rule of proceeding in making the attachment.

Ninth. Property shall be carefully preserved, and a strict account rendered when the offender shall be entitled to receive it back.

Tenth. In event of non-appearance or continued evasion, property to be sold for payment of fine or benefit of Government.

Eleventh. Rule for proclaiming magistrate's order for appearance.

Twelfth. On non-appearance, darogah shall report the due promulgation, with witnesses.

Thirteenth. Darogahs shall assist zemindars required by magistrate to produce offenders; they shall also receive charge of them.

Fourteenth. Darogahs wounding or killing proclaimed offenders who may resist to be held guiltless.

Fifteenth. Rewards shall be payable by the magistrate of the zillah or city in which offenders may be apprehended.

Section XXVII. Distraint for arrears of land-rent.

Clause First. Provisions of former regulations modified.

Second. Darogahs shall issue a written process upon occasion of resistance made or apprehended to an authorized distrainer.

Third. Deputed peon shall attend to the proceedings of the distrainer.

Fourth. Resistance being offered to the peon, darogah, or mohurir, or jemadar, shall proceed to his assistance.—These officers only shall search dwelling-houses for distrained property.

Fifth. Burkundauzes shall assist in distraint under orders of darogah, mohurir or jemadar only.

Sixth. Landholders, indigo planters, and others, shall not use stocks or other instruments of restraint.

Seventh. Allowance and mode of payment of peons employed in distraint not in the service of Government.

Section XXVIII. Abkaree.

Clause. First. Darogahs shall assist on the oath of an authorized revenue-officer in distraint for arrears of abkaree revenue.

Second. Further rule for the assistance of revenue-officers.

Third. In such cases zenanas of respectable persons shall not be entered.

Fourth. Rules to be observed by venders of spirituous liquors.

Fifth. Darogahs shall report infractions of these rules.

Section XXIX. Execution of criminal process in the commercial, salt and opium. departments, and duties of darogahs relating to those departments.

Clause First. Security for the appearance of persons employed under commercial residents accused of bailable offences, how to be given.

Second. In such cases the accused shall not be forced to appear till after the manufacturing season.

Third. Rule for serving summonses on witnesses employed in the Company's aurungs, and form of their recognizance.

Fourth. Warrants for offences not bailable shall be served upon persons so employed as upon others. The darogah giving notice to the resident or agent.

Fifth. Darogahs shall assist in the seizure of illicit salt.

Sixth. Shall give notice of all illicit importation, adulteration, or manufacture of salt.

Seventh. They shall not seize, in the first instance, of their own authority.

Eighth. Penalty for the unwarranted seizure of salt by darogahs.

Ninth. Darogahs enjoined to suppress the illicit cultivation of poppy.

Tenth. Shall report cases of the cultivation of the poppy, and

Eleventh. Take security for the offender's appearance before revenue-officers.

Twelfth. Penalty for omitting to send information.

Section XXX. Miscellaneous rules regarding forts, armed men, military stores, dress of sepoys or lascars, and badges. Public roads and insane persons.

Clause First. Darogahs shall report all circumstances that may involve danger to the public peace.

Second. They shall apprehend all unauthorized persons dressed in the uniform of Company's sepoys.

Third. What persons may wear the Company's uniform when not employed on public duty.

Fourth. Persons not in the service of a civil or military officer shall be apprehended when wearing a badge or chuprass.

Fifth. Darogahs shall report encroachments on the public roads.

Sixth. Persons dangerously insane shall be sent to the sudder-station, unless the friends of the party enter into engagements to prevent their doing mischief.

Section XXXI. Judges of circuit and Europeans.

Clause First. Respect to be shown to judges of circuit in their progress.

Second. Darogah shall report the arrival and proposed residence of any European not in his Majesty's or the Company's service.

Third. Form of statement to be presented by darogahs to European residents at the close of each English year.

Fourth. These statements to be forwarded to magistrates.

Section XXXII. Despatches of treasure.

Clause First. Darogahs to afford assistance and security to despatches of Government treasure.

Second. And, as far as possible, of bankers and merchants also.

Section XXXIII. Rules relating generally to landholders, managers of estates, &c.

Clause First. Darogahs to make known to landholders their duties in giving information of crimes, apprehending offenders, and preventing affrays.

Second. With this view, magistrates shall be careful to furnish darogahs with extracts or copies of certain regulations.

Third. Zemindars intrusted with the charge of the police to be furnished with copies of and to obey this Regulation.

Section XXXIV. Police of cities.

Cotwals and police-officers in cities and towns to be guided by this Regulation as far as applicable to them.

A. D. 1817. REGULATION XXI.

A REGULATION for modifying and explaining certain parts of Regulation IV, 1815.—Passed by the Vice-President in Council on the 28th October 1817; corresponding with the 13th Kautic 1224 Bengal era; the 3d Kautic 1225 Fussily; the 14th Kautic 1225 Willaity; the 3d Kautic 1874 Sumbut; and the 16th Zulhej 1232 Higeree.

Preamble.

WHEREAS it is provided in Regulation, IV, 1815, that sundry articles, if imported in the manner specified in the second Clause of that Regulation, shall be exempt from duty: and whereas it has been considered expedient, with a view to the further encouragement of British Commerce, that a like exemption should be extended to sundry other articles: and whereas it has been further deemed advisable to modify and explain some of the provisions at present in force for the collection of Government Customs, the following rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

Specification of articles to which the exemption from duty contained in Section III, Regulation IV, 1815, is declared to extend.

II. The exemption from duty contained in Section III, Regulation IV, 1815, is hereby extended to the articles hereinafter specified, and generally to all articles coming under the description of wrought or unwrought metals, being the produce or manufacture of the United Kingdom of Great Britain and Ireland; that is to say:—

Cutlery,
Table and kitchen utensils,
Trinkets, composed wholly or chiefly of metals,
Locks, bolts, and hinges,
Scales and weights,
Clocks, watches, and time-keepers,
Nails of iron and copper,
Hatchets, hammers, saws, and ironmongery of all sorts,
Sheet copper and sheet iron,
Wire of iron, brass, steel, silver and gold,
Lead, in sheets, cast or rolled,
Copper pumps,
Mathematical instruments,
Fire-engines,
Tin-ware,
Shot for fowling,
Bellows,
Braziery.

Enumeration of articles to be considered as marine stores, and as such to be exempt from duty if imported in the manner specified in Section IV, Regulation IV, 1815.

III. The following articles are hereby declared to be marine stores within the meaning of Section IV, Regulation IV, 1815, and to be exempt from duty if imported in the manner therein specified:

Anchors,
Blocks of sorts,
Boxes, pump,
Buntin, of sorts,
Masts and spars of all sorts,
Bells for ships,
Canvas of all sorts,
Copper rings,
Mooring-chains,
Channel-work for ships,
Azimuth, hanging, and steering compasses,
Cordage of all descriptions,
Deals of sorts,
Capstan furniture,
Time and binnacle-glasses,
Grapnels,
Figure-heads,
Pump-hide,
Kentledge,
Lanterns,
Lines and twine,
Scupper-leather,
Sail needles of sorts,
Spars of sorts,
Tar and pitch,
Palm-irons,
Hawse-rollers,
Rosin,
Sheaves and pins of sorts,
Speaking trumpets of sorts,
Vitry,
Varnish,

Section LVII, Regulation IX, 1810, rescinded.

IV. Section LVII, Regulation IX, 1810, is hereby rescinded.

Goods originally imported on British bottoms at ports subject to the British Government in India

V. *First.*—All goods which may be originally imported by sea on a British bottom, at any port in the territories subject to the British Government in India, and shall afterwards be re-exported to Calcutta, or any port immediately dependent on this Presidency, shall, in cases in which the duty established by the Regulations

to be exempted from further duties on their re-exportation to Calcutta or other ſubordinate port.

of this Government, does not exceed the amount of the duty retained at the port into which the said goods were first imported, be exempt from all further duty on their importation into Bengal, on the production of a regular certificate from the proper officer of the amount so paid and retained at the port of original importation.

Provided the duty eſtabliſhed by the Regulations does not exceed the duty retained at the port where the goods were imported.

Certificates in proof of the duty having been paid, to be produced.

In caſes in which the eſtabliſhed duty may exceed the amount levied at the port where the goods were imported, the difference only to be demanded at Calcutta.

Second.—In like manner, in cases in which the duty established at this Presidency may exceed the amount retained at the port of original importation, the difference only will be levied on the importation of the goods into Bengal.

Explanation of the rule contained in Section VIII, Regulation IV, 1815.

VI. The rule contained in Section VIII, Regulation IV, 1815, is hereby declared applicable to indigo, the produce of any part of the British territories in India.

The proviſions contained in Section XII. Regulation IX, 1810, modified.

VII. *First.*—The Rules contained in Section XII, Regulation IX, 1810, which provide that an additional duty of 2½ per cent. shall be levied on certain articles, the produce of the vizier's and the Nepaul territories, on exportation by sea; and the provisions regarding drawback, contained in Clause II, Section VIII, and Section X, Regulation IV, 1815, are hereby declared subject to the following modifications.

Goods chargeable with an export duty on which an inland duty has been paid, to be exempted from the export duty on their exportation to the United Kingdom.

Second.—In all cases in which an export duty is payable under the existing Regulations on goods which shall have previously paid an inland or transit duty, such export duty shall be altogether remitted on the exportation of such goods to the United Kingdom:—Provided, however, that in such cases such a drawback only shall be allowed as shall reduce the amount of duty retained to 2½ per cent. and where the inland duty shall not exceed that rate, no drawback shall be allowed.

Provided ſuch a drawback only be allowed as will reduce the duty retained to 2½ per cent.

In caſes where the inland duty ſhall not exceed that rate, no drawback to be allowed.

On goods not ſubject to a tranſit duty the export duty to be reduced to 2½ per cent.

Third.—In like manner, in regard to goods not subject to any transit duty, the prescribed export duty shall, on their exportation to the said United Kingdom, be reduced to 2½ per cent.

Schedules exhibiting duties and drawbacks, publiſhed for general information.

VIII. The schedules annexed to this Regulation, exhibiting the duties payable, and the drawbacks allowed, on the several articles of commerce therein specified, are published for general information.

TABLE No. I.

TABLE of the Duties levied on Articles, the produce or manufacture of the United Kingdom, or of Foreign Europe, imported on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of foreign Europe.	Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of foreign Europe.
Anchors and Grapnels	No duty	5 per cent.	Broad Cloth	No duty	5 per cent.
Articles for Wearing Apparel, not of Woollen Manufacture	2½ per cent.	ditto	Braziery	ditto	ditto
Beads	ditto	ditto	Bunting	ditto	ditto
Beer	ditto	ditto	Camblets	ditto	ditto
Bellows	No duty	ditto	Canes and Rattans	2½ per cent.	ditto
Bird Shot	ditto	ditto	Canvas	No duty	ditto
Blacking and Brushes	2½ per cent.	ditto	Capstan Furniture	ditto	ditto
Blankets	No duty	ditto	Carriages and Conveyances	2½ per cent.	ditto
Blocks, of sorts	ditto	ditto	Carpets, of Woollen Manufacture	No duty	ditto
Bottles, empty	2½ per cent.	ditto	Chalk	2½ per cent.	ditto
Boxes, Pump	No duty	ditto	Channel Work for Ships	No duty	ditto
Brass-work and Ware	ditto	ditto	Clocks	ditto	ditto
			Coals	2½ per cent.	ditto

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of foreign Europe.
Coffin Furniture	No duty	5 per cent.
Compasses—azimuth, hanging, and steering	ditto	ditto
Confectionary and Sweetmeats	2½ per cent.	ditto
Copper, of every description	No duty	ditto
Copper Pumps	ditto	ditto
Copper Rings	ditto	ditto
Coral	2½ per cent.	ditto
Cordage	No duty	ditto
Corks	2½ per cent.	ditto
Cotton Screws—Iron	No duty	ditto
Cotton Yarn and Thread	2½ per cent.	ditto
Crystal Ware	ditto	ditto
Cutlery	No duty	ditto
Cider and Perry	2½ per cent.	ditto
Deals, of sorts	No duty	ditto
Earthenware	2½ per cent.	ditto
Eatables	ditto	ditto
Engravings	ditto	ditto
Figure Heads	No duty	ditto
Filtering Stones	2½ per cent.	ditto
Flint Stones	ditto	ditto
Fire and Garden Engines	No duty	ditto
Furniture, Household	2½ per cent.	ditto
Glass and Glass Ware, of every description	ditto	ditto
Gold and Silver Lace	ditto	ditto
Gold Leaf	No duty	ditto
Grapnels	ditto	ditto
Guernsey Shirts	ditto	ditto
Guns and Pistols	ditto	ditto
Gunpowder	2½ per cent.	ditto
Hammers, Hatchets & Saws	No duty	ditto
Hawse Rollers	ditto	ditto
Hose, Woollen	ditto	ditto
Jewellery	ditto	ditto
Iron	ditto	ditto
Iron Butts, Hoops, Rivets, and Sheet	ditto	ditto
Iron Cables	ditto	ditto
Iron Chains	ditto	ditto
Iron Chests	ditto	ditto
Iron Kentledge	ditto	ditto
Iron Knees	ditto	ditto
Ironmongery and Iron-work, of every description	ditto	ditto
Iron, Plate or Wrought	ditto	ditto
Kentledge	ditto	ditto
Kitchen Utensils	ditto	ditto
Lace	2½ per cent.	ditto
Lackered Ware, not Metal	ditto	ditto
Lanterns	No duty	ditto
Lead, in Sheets, Cast or Rolled	ditto	ditto
Leather, of sorts	2½ per cent.	ditto
Lines and Twine	No duty	ditto
Locks, Bolts and Hinges	ditto	ditto
Mangles or Hackles of Iron	ditto	ditto
Marble Slabs and Tiles	2½ per cent.	ditto
Masts, Spars and Oars	No duty	ditto
Mathematical Instruments	ditto	ditto
Medicines	2½ per cent.	5 per cent.
Metals, wrought or unwrought	No duty	ditto
Mooring Chains	ditto	ditto
Musical Instruments	2½ per cent.	ditto
Nails, of Iron or Copper	No duty	ditto
Oils	2½ per cent.	ditto
Ochre	ditto	ditto
Opium		24 rs. per seer
Paint and Paint Brushes	2½ per cent.	5 per cent.
Palm Irons	No duty	ditto
Perfumery	2½ per cent.	ditto
Piece Goods	ditto	ditto
Pictures	ditto	ditto
Pitch and Tar	No duty	ditto
Plate and Plated Ware	ditto	ditto
Printed Cotton and Calicoes	2½ per cent.	ditto
Pump Hide	No duty	ditto
Quicksilver		ditto
Red and White Lead	2½ per cent.	ditto
Rosin	No duty	ditto
Saddlery	2½ per cent.	ditto
Sail Needles	No duty	ditto
Scupper Leather	ditto	ditto
Seeds, of sorts	2½ per cent.	ditto
Shawls, Woollen Manufacture	No duty	ditto
Sheaves and Pins	ditto	ditto
Shot	ditto	ditto
Soda Water	2½ per cent.	ditto
Spars	No duty	ditto
Speaking Trumpets	ditto	ditto
Spirituous Liquors	10 per cent.	10 per cent.
Spirits of Turpentine	2½ per cent.	5 per cent.
Stationary and Books	ditto	ditto
Steel	No duty	ditto
Table Utensils	ditto	ditto
Tallow, British	2½ per cent.	ditto
Time and Binnacle-Glasses	No duty	ditto
Tin	ditto	ditto
Tin Plates and Tin Ware of every description	ditto	ditto
Tobacco and Snuff	2½ per cent.	ditto
Tobacco Pipes	ditto	ditto
Toys of Iron or Tin	No duty	ditto
Types	ditto	ditto
Trinkets, composed wholly or chiefly of Metal	ditto	ditto
Turpentine	2½ per cent.	ditto
Varnish	ditto	ditto
Vegetable Syrup	ditto	ditto
Verdigris	ditto	ditto
Vinegar	ditto	ditto
Vitry	No duty	ditto
Watches and Timekeepers	ditto	ditto
Weights and Scales	ditto	ditto
Wire of Iron, Brass, Steel, Silver and Gold	ditto	ditto
Wines and Spirits	10 per cent.	10 per cent.
Woollens	No duty	5 per cent.
All Articles not specified above	2½ per cent.	ditto

TABLE, No. 2.

TABLE of the Rates of Duties levied on the following Goods (not being the produce or manufacture of the United Kingdom, or of Foreign Europe) on their importation into Calcutta by Sea, on British or foreign Bottoms, and the Drawbacks allowed on re-exportation to the United Kingdom, on Vessels trading under the Provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import Duty.	Drawback on re-exportation to the United Kingdom.	Import Duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duty.	Per Cent. on Value.	Proportion of Duty.
Allspice	10	5/6ths.	20	7/8ths.
Aloe Wood	7 1/2	2/3ds.	15	5/6ths.
Alum	10	5/6ths.	20	7/8ths.
Ambergr's	7 1/2	2/3ds.	15	5/6ths.
Anise	ditto	ditto	ditto	ditto
Arrack—Batavia	Sa. Rs. 55 per Leagur.	- - -	Sa. Rs. 110 per Leagur.	—
Ditto from America	10	3/4ths.	20	7/8ths.
Ditto—from foreign Territories in Asia	30	1 1/2ths.	60	2 3/4ths.
Arsenick—red, white, or yellow	10	5/6ths.	20	7/8ths.
Assafœtida	ditto	ditto	ditto	ditto
Altah	7 1/2	2/3ds.	15	5/6ths.
Awl-root	ditto	ditto	ditto	ditto
Beads, Malas, or Rozaries	ditto	ditto	ditto	ditto
Beetlenut	ditto	ditto	ditto	ditto
Ditto—Town Duty	5	Total	10	Total
Benjamin	7 1/2	2/3ds.	15	5/6ths.
Borax	5	3/4ds.	10	3/4ths.
Brandy	10	5/6ths.	20	7/8ths.
Ditto—from foreign territories in Asia	30	1 1/2ths.	60	2 3/4ths.
Brass	10	3/4ths.	20	7/8ths.
Brimstone	ditto	ditto	ditto	ditto
Brocades	7 1/2	2/3ds.	15	5/6ths.
Bubera	10	5/6ths.	20	7/8ths.
Buckum wood	7 1/2	2/3ds.	15	5/6ths.
Bullion and Coin	No duty.	No drawback.	No duty.	No drawback.
Callijeerah	7 1/2	2/3ds.	15	5/6ths.
Camphor	10	5/6ths.	20	7/8ths.
Canvas	5	3/4ds.	10	3/4ths.
Cardamums	7 1/2	ditto	15	5/6ths.
Carriages	ditto	ditto	ditto	ditto
Cassia	10	3/4ths.	20	7/8ths.
Chanks	7 1/2	2/3ds.	15	5/6ths.
Cherayta	10	5/6ths.	20	7/8ths.
China goods	7 1/2	2/3ds.	15	5/6ths.
Cloves	10	3/4ths.	20	7/8ths.
Cochineal	7 1/2	2/3ds.	15	5/6ths.
Cocoa-nuts	5	3/4ds.	10	3/4ths.
Coffee	7 1/2	2/3ds.	15	5/6ths.
Coir	5	ditto	10	3/4ths.
Columbo-root	10	5/6ths.	20	7/8ths.
Coosum flower	7 1/2	2/3ds.	15	5/6ths.
Copal or Kuhroba	10	3/4ths.	20	7/8ths.
Copper	ditto	ditto	ditto	ditto
Coral	ditto	ditto	ditto	ditto
Cordage	5	2/3ds.	10	3/4ths.
Cowries	ditto	ditto	ditto	ditto
Crimdana	7 1/2	ditto	15	5/6ths.
Dammer	5	ditto	10	3/4ths.
Dhye flower	7 1/2	ditto	15	5/6ths.
Elephants teeth	ditto	ditto	ditto	ditto
Embroidered goods	ditto	ditto	ditto	ditto
Frankincense	7 1/2	2/3ds.	15	5/6ths.
Galbanum	10	5/6ths.	20	7/8ths.

Enumeration of Goods.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import Duty.	Drawback on re-exportation to the United Kingdom.	Import Duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duty.	Per Cent. on Value.	Proportion of Duty.
Galingall	7 ½	⅔ds.	15	5/6ths.
Ghee	5	ditto	10	⅔ths.
Ditto, Town Duty	10	Total.	20	Total
Gin	10	¾ths.	20	⅞ths.
Ditto, from foreign territories in Asia	30	1 1/12ths.	60	2 1/24ths.
Goomootoo, and other articles (Coir excepted) used for the manufacture of cordage	No duty.		No duty.	—
Goopee Mattee	10	¼ths.	20	⅞ths.
Gum Arabic	ditto	ditto	ditto	ditto
Gundeberoza	7 ½	⅔ds.	15	5/6ths.
Horses	No duty.		No duty.	—
Hurrah	10	¾ths.	20	⅞ths.
Hursingah flower	7 ½	⅔ds.	15	5/6ths.
Hurtaul	10	¼ths.	20	⅞ths.
Indigo	5	Total	10	Total
Iron, and manufactured iron	10	¾ths.	20	⅞ths.
Jutta munsee	10	ditto	ditto	ditto
Ivory	7 ½	⅔ds.	15	5/6ths.
Kullinjeen	ditto	ditto	ditto	ditto
Kutch	5	ditto	10	⅔ths.
Lac	ditto	ditto	ditto	ditto
Lead, pig, sheet, milled and small shot	10	½ths.	20	⅞ths.
Loadh	7 ½	⅔ds.	15	5/6ths.
Loban	7 ½	⅔ds.	15	5/6ths.
Mace	10	5/8ths.	20	⅞ths.
Madder	1 ¼	⅔ds.	15	5/6ths.
Mahogany	ditto	ditto	ditto	ditto
Marine stores	5	ditto	10	¾ths.
Mastick	10	⅝ths.	20	⅞ths.
Morinda	7 ½	⅔ds.	15	5/6ths.
Munjeet	7 ½	⅔ds.	15	5/6ths.
Musk	ditto	ditto	ditto	ditto
Myrobalans	10	¾ths.	20	⅞ths.
Myrrh	ditto	ditto	ditto	ditto
Nutmegs	ditto	ditto	ditto	ditto
Oils, vegetable or animal	7 ½	⅔ds.	15	5/6ths.
Ditto, Town Duty	5	Total.	10	Total
Oil-seed	7 ½	⅔ds.	15	5/6ths.
Ditto, Town Duty	5	Total	10	Total
Oils, perfumed or essential	7 ½	⅔ds.	15	5/6ths.
Opium	24 Rs. per Seer.	No drawback.	48	No drawback.
Orpiment, or yellow arsenic	10	¾ths.	20	⅞ths.
Otter	7 ½	⅔ds.	15	5/6ths.
Ownla	10	¾ths.	20	⅞ths.
Pepper, black and white	ditto	ditto	ditto	ditto
Piece-goods, cotton	7 ½	⅔ds.	15	5/6ths.
Ditto silk, or partly cotton and partly silk	ditto	ditto	ditto	ditto
Pimento	10	¾ths.	20	⅞ths.
Pipe-staves	7 ½	⅔ds.	15	5/6ths.
Precious stones and pearls	No duty.		No duty.	—
Prussian blue	10	¾ths.	20	⅞ths.
Putchapaut	7 ½	⅔ds.	15	5/6ths.
Quick-silver	10	⅝ths.	20	⅞ths.
Ratans	7 ½	⅔ds.	15	5/6ths.
Raw hides	5	ditto	10	¾ths.
Red sandal wood	7 ½	ditto	15	5/6ths.
Resin	5	ditto	10	¾ths.
Rose-water	7 ½	ditto	15	5/6ths.
Rum	10	¾ths	20	⅞ths.
Ditto, from foreign territories in Asia	30	1 1/12ths.	60	2 2/24ths.
Saffron	10	¾ths.	20	⅞ths.
Sago	7 ½	⅔ds.	15	5/6ths.
Salt, (foreign)	3 Rs. per Maund.	No drawback.	6 Rs. per Maund.	No drawback.
Sandal wood, red Ditto, white, or yellow	7 ½	⅔ds.	15	5/6ths.
Sappan wood	ditto	ditto	ditto	ditto.

Enumeration of Goods.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import Duty.	Drawback on re-exportation to the United Kingdom.	Import Duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duty.	Per Cent. on Value.	Proportion of Duty.
Senna	10	4/5ths.	20	7/8ths.
Soonamooky leaf	ditto	ditto	ditto	ditto
Spikenard	ditto	ditto	ditto	ditto
Steel, and Manufactured steel	ditto	ditto	ditto	ditto
Storax	ditto	ditto	ditto	ditto
Sugar, wet or dry, including jaggree and molasses	5	2/3ds.	10	3/4ths.
Ditto, Town Duty	ditto	Total	ditto	Total
Sulphur	10	3/4ths.	20	7/8ths.
Tape	7 1/2	2/3ds.	15	5/6ths.
Taizpaut	10	3/4ths.	20	7/8ths.
Teak Timber, used for ship-building	No duty.	—	—	—
Thread	7 1/2	2/3ds.	15	5/6ths.
Tin	10	3/4ths.	20	7/8ths.
Tincal	5	2/3ds.	10	3/4ths.
Tobacco, Town Duty only	10	3/4ths.	20	7/8ths.
Toond flower	7 1/2	2/3ds.	15	5/6ths.
Tuggar	ditto	ditto	ditto	ditto
Turmeric	5	ditto	10	3/4ths.
Ditto, Town Duty	5	Total	10	Total
Turpentine	5	2/3ds.	10	3/4ths.
Tutenague	10	3/4ths.	20	7/8ths.
Uggur	7 1/2	2/3ds.	15	5/6ths.
Vermilion	10	3/4ths.	20	7/8ths.
Verdigris	ditto	ditto	ditto	ditto
Wax	ditto	ditto	ditto	ditto
Wax candles	10	5/4ths.	20	7/8ths.
Wine	ditto	ditto	ditto	ditto
Wood of all sorts, used in cabinet-work	7 1/2	2/3ds.	15	5/6ths.
Woollens	5	ditto	10	3/4ths.
Yellow ochre, or goopee mattee	10	3/4ths.	29	7/8ths.
All articles not specified in the above list	5	2/3ds.	10	3/4ths.

TABLE No. III.

TABLE of internal or transit Duties payable on the following Articles, and of the Drawbacks allowed by exportation by Sea to the United Kingdom, on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.	Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duties.		Per Cent. on Value.	Proportion of Duties.
Ajewain or Jowain	7 1/2	2/3ds.	Borax	5	1/2
Alkali	5	1/2	Ditto, imported from Nepaul	2 1/2	No drawback
Aloe Wood	7 1/2	2/3ds.	Brass, unwrought	10	3/4ths.
Alum	10	3/4ths.	Ditto, imported from Nepaul	2 1/2	No drawback
Ambergris	7 1/2	2/3ds.	Brimstone	10	3/4ths.
Anise, or Mourie, or Sonf	ditto	ditto	Brocades	7 1/2	2/3ds.
Arsenic, white, red or yellow	10	1/2ths.	Ditto, from Vizier's or Nepaul Territories	2 1/2	No drawback
Assafœtida	ditto	ditto	Buhera	7 1/2	2/3ds.
Altah	7 1/2	2/3ds.	Buckum Wood	ditto	ditto.
Awl Root or Morinda	ditto	ditto	Calijeerah	7 1/2	2/3ds.
Beetlenut	ditto	ditto	Camphor	ditto	ditto
Ditto, Town Duty	5	Total	Cardamums	ditto	ditto
Benjamin	7 1/2	2/3ds.	Carpets	ditto	ditto
Blankets	5	1/2	Cassia, imported from Nepaul	2 1/2	No drawback
Ditto, imported from Nepaul	2 1/2	No drawback			
Boots, Shoes and Slippers	5	1/2			

Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duties.
Chanks or Saunks	7½	⅔ds.
Cheraytah	ditto	ditto
Chowries	5	½
Ditto, imported from Nepaul	2½	No drawback
Chuckrassy	7½	⅔ds.
Chunam, to be levied at Calcutta and Dacca only	10	¾ths.
Chutta	5	½
Civet, country produce	7½	⅔ds.
Ditto, imported from Nepaul	2½	No drawback
Cloves	10	¾ths.
Cochineal	7½	⅔ds.
Cocoa Nuts, either with or without Bark	5	½
Columbo Root	7½	⅔ds.
Coosum Flower	ditto	ditto
Copal or Kuhroba	ditto	ditto
Copper, unwrought	10	¾ths.
Ditto, imported from Nepaul, whether wrought or unwrought	2½	No drawback
Coral	10	¾ths.
Coriander or Dhonea	7½	⅔ds.
Cotton, cleaned	5 per cent. not exceeding 12 As. per maund of 96 Calcutta Sa. Wt.	Total
Ditto, uncleaned	Ditto not exceeding 4 As. ditto	Total
Cotton Yarn	7½	⅔ds.
Cow Tails	5	½
Ditto, imported from Nepaul	2½	No drawback
Crimdanah	7½	⅔ds.
Cummin or Jeerah	ditto	ditto
Dammer	5	½
Dhye Flower	7½	⅔ds.
Dry Ginger	ditto	ditto
Elephants Teeth	ditto	ditto
Embroidered Goods and Brocades	ditto	⅔ds.
Ditto, imported from the Vizier's or Nepaul Territories	2½	No drawback
Frankincense	7½	⅔ds.
Fringes	ditto	ditto
Ditto, imported from the Vizier's or Nepaul territories	2½	No drawback
Furs	5	½
Ditto, imported from Nepaul	2½	No drawback
Galbanum, the produce of the country	7½	⅔ds.
Ghee, Town Duty	10	¾ths.
Gopee Mattee	ditto	ditto
Gum Arabic, the produce of the country	7½	⅔ds.
Gunnies, and Gunny Bags	5	½
Gundeberoza	7½	⅔ds.
Hookah, and Hookah Snakes	ditto	ditto
Hurrah	ditto	ditto
Hursingah Flower	ditto	ditto
Hurtal	10	¾ths.
Jarrel, red or white	ditto	ditto
Indigo, the manufacture of the British Territories, on a fixed valuation of 100 rupees per factory maund	5	Total
Ditto, the manufacture of the Vizier's Territories	5	½
Iron	10	¾ths.
Ditto, imported from Nepaul	2½	No drawback
Jutta Munsee	7½	⅔ds.
Ivory	ditto	ditto

Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duty.
Keorah Water	7½	⅔ds.
Kutch	5	½
Lace, gold and silver	ditto	ditto
Leather	ditto	ditto
Lack, stick, joory, shell, cake and seed	5	ditto
Loadh	7½	⅔ds.
Loban, or Benjamin	ditto	ditto
Long Pepper and Long Pepper Root	ditto	ditto
Looys	5	½
Ditto, imported from Nepaul	2½	No drawback
Madder	7½	⅔ds.
Mastick	ditto	ditto
Minium	10	¾ths.
Morinda	7½	⅔ds.
Mowry	ditto	ditto
Munjeet or Madder	7½	⅔ds.
Musk	ditto	ditto
Ditto, imported from Nepaul	2½	No drawback
Myrobalans	7½	⅔ds.
Myrrh	ditto	ditto
Mustard and Sesamun	ditto	ditto
Oils, vegetable or animal	ditto	ditto
Ditto, Town Duty	5	Total
Oil Seed	7½	⅔ds.
Ditto, Town Duty	5	Total
Oil, perfumed on essential	7½	⅔ds.
Orpiment or Yellow Arsenic	10	¾ths.
Otter	7½	⅔ds.
Ownla	ditto	ditto
Paper, Bengal	5	½
Peoree	10	¾ths.
Pepper, black and white	ditto	ditto
Piece Goods, Cotton	7½	⅔ds.
Ditto, on importation from Vizier's or Nepaul Territories	2½	No drawback
Piece Goods, Silk, or partly Cotton, partly Silk	7½	⅔ds.
Ditto, from Vizier's and the Nepaul territories	2½	No drawback
Pipe Staves	7½	⅔ds.
Putchapaut	ditto	ditto
Putties	5	½
Rangamattee or Indian Red	10	¾ths.
Raw Hides	5	½
Rosin	ditto	ditto
Rose Water	7½	⅔ds.
Saffron	10	¾ths.
Sal Ammoniac	5	½
Saltpetre	7½	⅔ds.
Sandal Wood	ditto	ditto
Sappan Wood	ditto	ditto
Saul Timber	10	¾ths.
Silk, Raw Filature, on a valuation of 7 rupees per seer of 80 Calcutta sa. wt.	7½	⅔ds.
Ditto, Bengal, wound, on a valuation of six rupees per seer of 80 Calcutta sa. wt.	ditto	ditto
Silk Tushah, *ad valorem*	ditto	ditto
Ditto Chassum, *ad valorem*	ditto	ditto
Sissoo Timber	10	¾ths.
Senna	7½	⅔ds.
Setringees	ditto	ditto
Shawls	10	¾ths.
Sitsal	7½	⅔ds.
Soap	5	½
Souf	7½	⅔ds.
Soojee Mattee	5	½

Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.	Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duties.		Per Cent. on Value.	Proportion of Duties.
Soonamooky Leaf	7½	⅔ds.	Timber, viz. Saul, Sissoo, Jarool (red and white,) and Soondry	10	¾ths.
Soondry Timber	10	¾ths.	Tincal	5	½
Spikenard	7½	⅔ds.	Ditto, from Nepaul	2½	No drawback
Steel	10	¾ths.	Tobacco, Town Duty	10	¾ths.
Ditto, imported from Nepaul	2½	No drawback	Toond Flower	7½	⅔ds.
Stone Plates	5	½	Tuggar	ditto	ditto
Storax	7½	⅔ds.	Turmeric, Town Duty	5	½
Sugar, Jaggry, Goor, and Syrup	5	½	Uggur, or Aloe Wood	7½	⅔ds.
Ditto, Town Duty	ditto	Total	Vermilion	10	¾ths.
Sulphur	10	¾ths.	Verdigris	ditto	ditto
Tallow Candles	5	½	Vidry Ware	7½	⅔ds.
Tape	7½	⅔ds.	Wax / Wax Candles	10	¾ths.
Ditto, from Vizier's or Nepaul Territories	2½	No drawback	Wood used in Cabinet-work	7½	⅔ds.
Taizpaut, imported from Nepaul	2½	ditto	Woollens	5	½
Thread	7½	⅔ds.	Ditto, imported from Nepaul	2½	No drawback
Thread, imported from Nepaul or Vizier's Territories	2½	No drawback	Yellow Ochre, or Gopee Mattee	10	¾ths.

A. D. 1817. REGULATION XXII.

A REGULATION for vesting the Judge and Magistrate of Cuttack with power to remove and to appoint the Native Ministerial Officers on his Establishment without a previous reference to the Provincial Court of Appeal and Circuit for the Division of Calcutta:—Passed by the Vice-President in Council on the 28th October 1817; corresponding with the 13th Kautic 1224 Bengal era; the 3d Kautic 1225 Fusly; the 14th Kautic 1225 Willaity; the 3d Kautic 1874 Sumbut; and the 16th Zulhej 1232 Higeree.

Preamble.

CONSIDERATIONS connected with the recent disturbances in Cuttack have rendered it expedient that the officer discharging the functions of judge and magistrate of Cuttack should for the present be vested with authority to remove the native ministerial officers attached to the judicial establishment of that district, and to appoint individuals to succeed to vacant offices on his establishment without applying for the previous sanction or confirmation of the Provincial Court of Appeal and Circuit for the division of Calcutta; the following rules have accordingly been passed, to take effect from the promulgation of this Regulation.

Rules regarding the appointment, removal and resignation of native judicial officers by the Court of Circuit, not to have effect in Cuttack.

II. *First.*—Such parts of the existing Regulations as require that the Provincial Court of Appeal and Circuit shall confirm the appointment, removal, and resignation of certain native ministerial officers, including the record keepers, moonsiffs, and sudder ameens employed under the authority of the zillah and city judges and magistrates, shall not have effect in the zillah of Cuttack.

The judge and magistrate of Cuttack vested with full power to remove, appoint, or to accept the resignation of such officers, without the previous sanction of the Provincial Court.

Second.—The officer discharging the functions of judge and magistrate of Cuttack is hereby vested with full authority to remove and appoint, or to accept the resignations of the officers above alluded to, without the previous sanction of the Provincial Court of Appeal and Circuit for the division of Calcutta.

A.D. 1817. REGULATION XXIII.

A REGULATION for modifying certain parts of Regulations XIX and XXXVII, 1793, and for defining the right of Government to the Revenue of Lands not included within the boundaries of Estates for which a Settlement has been made:—Passed by the Vice-President in Council on the 28th October 1817; corresponding with the 13th Katick 1224 Bengal era; the 3d Katick 1225 Fusly; the 14th Katick 1225 Willaity; the 3d Katick 1874 Sumbut; and the 16th Zeheja 1232 Higeree.

Preamble.

THERE is reason to believe that extensive tracts of land lying within that part of the country, which is ordinarily denominated the Sunderbuns, and which at the period of the formation of the permanent settlement were entirely waste, and not included within the limits of pergunnahs, mouzas, or other known divisions of estates for which a settlement was concluded, have been brought into cultivation, and are now occupied by individuals without payment of revenue; and it is likewise understood that extensive tracts of alluvion lands, formed since the period above mentioned, are held in the districts adjoining the Sunderbuns by individuals without payment of revenue—but the inherent title of Government to a certain proportion of the produce of every begah of land in all cases in which it shall neither have transferred its right thereto for a term or in perpetuity, nor have limited its demand by a distinct agreement with the proprietor or possessor, has uniformly been avowed and acknowledged; and in pursuance of that principle Government are clearly entitled to assess all lands of the nature of those above described.—It may however be apprehended that individuals holding such lands will avail themselves of the rules by which the claims of Government to resume the revenue of lands held free of assessment under illegal or invalid tenures, are declared cognizable only in the courts of judicature to thwart the revenue authorities in the recovery of the just dues of Government from the lands above described, and it is otherwise expedient that those rules should be amended and modified.—It is likewise desirable that the principle upon which the revenue authorities are to proceed in assessing such lands, should be distinctly explained, that individuals may be the better protected against any encroachment on the rights secured to them by the permanent settlement.—The following rules, therefore, have been enacted to be in force from the date of their enactment within the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge.

Parts of Regulation XIX and XXXVII, so far as they are applicable to the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, rescinded;

II. Sections XII, XIII, XIV, XVI and XIX, Regulation XIX, and Sections VII, VIII, IX, XI and XIV, Regulation XXXVII, 1793, in as far as they are applicable to the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, are hereby rescinded; and the provisions contained in Sections III, IV, V, VI, VII, VIII and IX, Regulation V, 1813, are hereby extended to the above-mentioned districts.

and the provisions contained in Section III, to IX, Regulation V, 1813, extended to those districts.

The latter provisions applicable to lands held at an inadequate jumma under mocurrary or other tenures, limiting the demand of Government.

III. The provisions contained in Sections III, IV, V, VI, VII, VIII and IX, Regulation V, 1813, are hereby declared applicable to all lands held at an inadequate jumma under mocurrary or other tenures, limiting the demand of Government.

Lands not included within the limits of any pergunnah or estates at the decennial settlement, are liable to assessment in the same manner as other unsettled Mehals.

IV. *First.*—It is hereby declared and enacted, that all lands which at the period of the decennial settlement were not included within the limits of any pergunnah, mouza, or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held free of assessment under a valid and legal title of the nature specified in Regulations XIX, and XXXVII, 1793, are and shall be considered liable to assessment in the same manner as other unsettled mehals, and the revenue assessed on all such lands, whether exceeding 100 begahs, or otherwise, shall belong to Government.

The foregoing principle shall be applicable to all churs and islands formed since the decennial

Second.—The foregoing principle shall be deemed applicable not only to tracts of land such as are described to have been brought into cultivation in the Sunderbuns, but to all Churs and Islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion or dereliction since that period, whether

ſettlement, and generally to all lands gained by alluvion or alteration in the courſe of the rivers.

whether from an introcession of the sea, an alteration in the course of rivers, or the gradual accession of soil on their banks.

Likewiſe applicable to certain lands held under ſpecial pottahs from the collectors, and not brought under aſſeſſment at the permanent ſettlement. Proviſo.

Third.—The same principle shall likewise be deemed applicable to all lands, which at the period of the permanent settlement were included within the limits of talooks held by individuals under special pottahs from the collector, such as the Puteetabady, and Jungulboory talooks in the districts of the 24 Pergunnahs and Jessore, and which were not brought under assessment at the above-mentioned period—provided however, that in respect to such lands, if in the possession of the original pottah-holder, or his legal representative, the conditions of the pottah, in regard to the assessment of the land included within the limits specified in that instrument, shall be strictly maintained.

The collector how to proceed when any lands may be liable to aſſeſſment on the principle above ſpecified.

V. *First.*—Whenever the collector of any of the districts above mentioned, the commissioner in the Sunderbuns, or other officer exercising the powers of collector, shall have reason to believe that any lands lying within the sphere of his official control are liable to assessment on the principle above specified, he shall report the circumstance to the Board of Revenue, or other authority exercising the powers of that Board, who, should they be of opinion that proper grounds exist for an inquiry, shall direct the collector, or other officer aforesaid, to call upon the holder of the lands, and by a written notice under his official seal and signature to adduce within the period of one month from the receipt of the notice, any documentary or other evidence tending to establish the fact that the lands were at the period of the decennial settlement included within the limits of an estate for which a permanent settlement may have been concluded, or that a distinct settlement has been concluded for them since that period, or that they are held free of assessment by a valid grant of the nature specified in Regulations XIX, and XXXVII, 1793, and are not liable to assessment on the principle specified in the IVth Section of this Regulation.

To inſtitute particular inquiry regarding the lands.

Second.—The collector or commissioner, as the case may be, shall at the same time institute a full and particular inquiry into the circumstances and condition of the land in question at the period of the decennial settlement, and in the case of alluvion land, into the period of its formation.

To cauſe a ſurvey or meaſurement to be made of ſuch lands.

VI. *First.*—When the inquiry described in the foregoing Section shall have been authorized, it shall be competent to the collector, or commissioner aforesaid, with the sanction of the Board of Revenue previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands are alleged to belong.

The collector declared competent to summon the putwarry, gomaſtah, or other perſons, for the production of all accounts relating to ſuch lands.

Second.—It shall likewise in such cases be competent to the collector or commissioner to summon the putwarry, gomastah, or other person by whom the accounts relating to such lands, or to the estate to which the lands may be alleged to belong, are kept, and to require him to produce all accounts relating to such lands or estate, and to examine him on oath to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate in the manner specified in Section XXII, Regulation XII, 1817.

And to require the perſonal attendance of the proprietors or farmers of ſuch lands for the production of the requiſite accounts.

Third.—It shall further be competent to the collector or commissioner in the cases above specified, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, to require the person claiming to be the proprietor or farmer of the lands proposed to be assessed, or of the estate to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate within a reasonable time, not being less than one week.

Written notice to be ſerved on the perſons above mentioned for their attendance.

VII. *First.*—Whenever the collector or commissioner shall require the attendance of any proprietor or farmer, or of any putwarry, gomastah or other officer, for the purpose stated in the above Section, he is to serve such proprietor or other person aforesaid with a written notice under his official seal and signature, stating the purpose for which his attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.

Mode of ſerving proceſſes.

Second.—Provided further, that the Rules contained in Section III, Regulation XIV, 1793, regarding the mode of serving process for the recovery of arrears of

of revenue, shall be held applicable to processes issued by a collector, or other officer exercising the powers of a collector under the provisions contained in the two preceding sections, excepting always so much of the said rules as prescribes that the person serving the process shall be paid by the party in whose name it is issued.

If the lands ſhall appear liable to aſſeſſment, the collector to forward his proceedings to the Board of Revenue, or other proper authority.

VIII. *First.*—If it shall appear to the collector or commissioner on due consideration of the documents and other evidence which may be adduced by the holder of the land, regarding which the inquiry above described shall have been instituted, or which may be otherwise received and examined by himself, that the lands are liable to assessment on the principle specified in Section IV, of this Regulation, he shall forward the whole of his proceedings on the subject, with his opinion thereon, to the Board of Revenue, or other authority vested with the powers of that Board, who will decide after such further inquiry as they may deem requisite, whether the land shall be deemed liable to assessment or otherwise.

If on inquiry the lands may not appear to be liable to aſſeſſment, the collector or the commiſſioner how to proceed.

Second.—If the collector after receiving the documents or evidence adduced, and holding the inquiry directed in Section V, of this Regulation, shall be of opinion that the lands are not liable to assessment, he shall nevertheless transmit the whole of his proceedings on the case, with his opinion thereon, to the Board of Revenue, or other authority exercising the powers of that Board, who will decide and issue the proper orders for the assessment of the lands, or for admitting the claim of the holder of the lands.

The collector ſhall carefully mark all documents producedby a zemindar or other perſon poſſeſſing lands of the nature above deſcribed.

IX. *First.*—It shall be the duty of the collector or commissioner holding the inquiry described in Section V, carefully to number, mark, date and sign all documents produced by a zemindar or other person possessing lands of the nature above described, in support of his claim, to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before them.

To ſtate diſtinctly the grounds on which the revenue of ſuch lands may be reſumed.

Second.—It shall likewise be the duty of the collector and the Board of Revenue to state distinctly in each instance the grounds on which the revenue of any such lands may be resumed, in order that, should the case come before the courts of judicature, the issue to be tried may be as plain and simple as possible.

The revenue on lands which may be reſumed and aſſeſſed how to be regulated.

X. The revenue on lands resumed and assessed under the provisions of this Regulation shall be regulated by the general Rules contained in the Regulations for the settlement of lands paying revenue to Government; and the revenue authorities shall follow generally in regard to them the same course as is ordinarily adopted in respect to unsettled mehals, excepting, of course, in cases in which the undisputed proprietary right to the lands may be vested in Government.

Officers of Government not competent to revive the queſtion after it has been decided in the manner deſcribed in Section VIII, of this Regulation.

XI. It shall not be competent to Government or its officers, after the question shall have been decided in the manner stated in Section VIII, of this Regulation, to revive the question, or disturb the title of the occupant, except on proof in a court of judicature of fraud or collusion in the previous inquiry.

Perſons aggrieved, at liberty to inſtitute a ſuit againſt Government within the period of 6 months.

XII. *First.*—Any person who may consider himself aggrieved by the decision which may be passed by the Board of Revenue or other authority exercising the powers of that Board, under the Rules contained in Section VIII, of this Regulation, shall be at liberty to institute a suit in the courts of judicature against Government, to try the merits of the said decision—provided that such suit be instituted within the period of six months from the date on which it may be passed.

A previous reference to the Governor General in Council not requiredin ſuch ſuits. The courts of juſtice how to proceed.

Second.—Such suits may be instituted without previous reference to the Governor General in Council, against Government, and shall be defended by the collectors, under the instructions of the Board of Revenue, or other authority aforesaid. The courts of judicature, in cases in which they may be of opinion that the decision of the revenue authorities has been passed on erroneous grounds, will of course adjudge the plaintiff to be reinstated in possession of the lands in question on the same tenure as he possessed previously to that decision; at the same time awarding to him such costs as may be sufficient to reimburse him for the expense to which he may have been subject; and giving proper directions for the adjustment of the accounts of the collections made from the lands during the time that they may have been in the charge of the officers of Government.

Courts of juſtice not to interfere, or to ſtay proceſs previouſly to the formal deciſion by the revenue authorities.

Third.—But no court of justice shall issue any prohibition or injunction to stay process previously to the formal decision of the case by the revenue-officers, nor any precept or other order to prevent the attachment of the land, or ejectment of the holder thereof, consequent to such decision, until a full and complete trial shall have been had of the merits of that decision by a regular suit instituted under the above Section.

Putwarries or other perſons neglecting to produce the requiſite accounts, or give evidence regarding them, liable to certain penalties.

XIII. *First.*—If any putwarry, gomastah or other person, by whom the accounts of lands are kept, and who may be summoned by a collector or a commissioner under the provisions contained in Sections VI and VII of this Regulation, shall neglect or omit to produce his original accounts on the requisition of the collector or commissioner, or to give his evidence regarding them, or shall intentionally and deliberately give a false deposition on oath before the collector or commissioner when summoned and examined as aforesaid, or shall alter, fabricate, falsify, or mutilate the accounts relating to such lands, or to the estate to which such lands are stated to belong, shall be and be held liable to the pains and penalties specified in Sections XXIII, XXVI, and XXVII of Regulation XII, 1817, according as the provisions of one or other of those Sections may be applicable to the offence committed by him.

If the holder of ſuch lands ſhall refuſe to furniſh the accounts, their lands ſhall be liable to attachment.

Second.—If the holder of any lands, in regard to which the collector shall have been authorized by the Board of Revenue, or other authority exercising the powers of that Board, to institute the inquiry described by Section V, of this Regulation, shall refuse or neglect to furnish the accounts relating to such lands, within the period specified in the collector's requisition, the Board of Revenue shall be competent to direct the lands to be immediately attached, and the rents collected on account of Government, in the same manner as if the lands were the property of Government.

The collector is nevertheleſs to make a full inquiry into the title of the holder of the lands.

Third.—In such cases, however, it shall still be the duty of the collector to make a full inquiry into the title of the holder of the lands, and to transmit his proceedings to the Board, who will decide whether the lands shall be deemed permanently liable to assessment.

The courts of juſtice how to proceed when accounts may be exhibited by the holder of ſuch lands, which accounts may not have been delivered to the collector.

Fourth.—Provided further, that if the holder of any lands assessed under the Rules of this Regulation shall institute a suit in court to contest the decision of the revenue authorities, and shall produce any accounts or documents besides such as he may have delivered to the collector, the accounts or documents so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless he shall show good cause, to the satisfaction of the court, for not having produced the said accounts or documents, and shall prove that he assigned such cause in answer to the collector's requisition.

Proprietors or farmers omitting to attend, or refuſing to furniſh the accounts required from them, liable to a daily fine.

Fifth.—Provided also, that if any proprietor or farmer shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the collector or commissioner by the time prescribed in the notice issued by the collector or commissioner, or shall omit, or refuse to furnish the accounts or documents required, and to show sufficient cause for such omission, the Board of Revenue, or other authority exercising the powers of that Board, are authorized and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition as they may think adequate to his situation and circumstances in life, reporting however the amount, for the information of the Governor General in Council. The fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Zemindars or other perſons reſiſting the attachment or meaſurement of their lands, to pay a fine to Government.

XIV. If any zemindar or other person shall resist or cause to be resisted the attachment or measurement of lands, which the Board of Revenue, or other authority exercising the powers of that Board, shall have authorized the collector or commissioner to attach or measure, under the provisions of this Regulation, or shall resist or cause to be resisted any process duly issued by the collector or commissioner, to compel a putwarry, gomastah, or other officer to produce his accounts, and to give his evidence respecting them under the provisions contained in Section XIII of this Regulation, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, on being satisfied that he is guilty of the charge, to adjudge the zemindar, or other person so offending, to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and of the offence which he may have committed, and to levy the fine in the mode prescribed for the recovery of arrears of revenue; provided, however, that if the fine shall exceed 500 rupees, the Board shall submit a report of the case to the Governor General in Council, and shall not proceed to levy the fine until they shall receive authority from Government for that purpose.

Such fine, when exceeding 500 rupees, ſhall be reported to the Governor General in Council for orders.

XV. Nothing

XV. Nothing in the present Regulation shall be considered to affect the right of the proprietors of estates, for which a permanent settlement has been concluded, to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively at the period of the decennial settlement, and which have since been or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement, and it being left to the Courts of Judicature to decide on all contested cases, whether lands assessed under the provisions of this Regulation were included, at the period of the decennial settlement, within the limits of estates for which a settlement has been concluded in perpetuity, and to reverse the decision of the revenue authorities in any case in which it shall appear that lands which actually formed, at the period in question, a component part of such an estate, have been unjustly subjected to assessment under the provisions of this Regulation, the zemindars andother proprietors of land will be enabled, by an application to the courts, to obtain immediate redress in any case in which the revenue authorities shall violate or encroach on the rights secured to them by the permanent settlement.

The present Regulation not to affect waſte lands included within the aſcertained boundaries of eſtates for which a permanent ſettlement has been concluded.

A. D. 1817. REGULATION XXIV.

A REGULATION for modifying the Constitution of the Commission established in the provinces of Behar and Benares, and in the Districts of Ramghur, Bhaugulpore and Purneah; for extending the authority of the said Commission to the Districts of Dinagepore and Rungpore; and for better defining the powers to be exercised in certain cases by a single Member of the Board of Revenue, or Commission vested with the authority of that Board.—Passed by the Vice-President in Council on the 9th December 1817; corresponding with the 25th Aughun 1224 Bengal era; the 16th Aughun 1225 Fusly; the 26th Aughun 1225 Willaity; the 1st Aughun 1874 Sumbut, and the 29th Mohurrem 1223 Higeree.

WHEREAS it has been deemed advisable to intrust the powers and authority vested by the existing Regulations in the Commissioner in Behar and Benares, to a Board consisting of two Members; and it has also appeared expedient to extend the authority of that Board to the Districts of Dinagepore, and Rungpore: and whereas it is desirable to obviate all doubts in regard to the powers vested in a single member of the Board of Revenue, or of a Commission exercising the authority of that Board, the following rules have been enacted, to be in force from the 1st January 1818, throughout the territories immediately dependent on the Presidency of Fort William.

Preamble.

II. The duties, powers and authority exercised under the Regulations now in force by the Commissioner in Behar and Benares, within the said Provinces, and in the districts of Ramghur, Bhaugulpore, and Purneah, shall be vested in a Board consisting ordinarily of two members, to be denominated the Board of Commissioners in Behar and Benares; provided, however, that it shall be competent to the Governor General in Council to intrust the powers, and authority of the said Board to a single Commissioner, whenever circumstances may render that measure advisable.

The powers and authority veſted in the commiſſioner in Behar and Benares, intruſted to a Board of Commiſſioners, conſiſting of two members.

Proviſo for intruſting the ſaid powers to a ſingle commiſſioner, when deemed neceſſary.

III. The general superintendence of the revenues of the Districts of Dinagepore and Rungpore shall be vested in the above-mentioned Board, in the same manner, and with the same powers, and authority, as it is now exercised by the Board of Revenue.

The ſuperintendence of the revenues of Dinagepore and Rungpore veſted in the Board of Commiſſioners in Behar and Benares.

IV. The rules contained in Regulation XIII, 1811, shall be considered applicable to the said Board of Commissioners, in like manner as they are and shall be considered applicable to the Board of Commissioners in the Ceded and Conquered Provinces.

Regulation XIII, 1811, to be applicable to the Board of Commiſſioners in Behar and Benares.

V. It is hereby further declared, and enacted, that in the event of the death, resignation, or unavoidable absence of a member of the Board of Revenue, or of a member of any Commission exercising the powers of that Board; a single member of such Board or Commission shall be competent to exercise all the duties, powers and authority vested in such Board collectively, in like manner as in the case specified in Section IV, of the above-mentioned Regulation.

On what occaſions a ſingle member of each Board ſhall be deemed competent to exerciſe all the powers of the Board.

A. D. 1817. REGULATION XXV.

A REGULATION for fixing the Weight of the Pice struck at the Calcutta Mint, and for giving general circulation to Pice struck at any of the Mints subordinate to this Presidency.—Passed by the Vice-President in Council on the 9th December 1817, corresponding with the 25th Aughun 1224 Bengal era; the 16th Aughun 1225 Fusly; the 26th Aughun 1225 Willaity; the 1st Aughun 1874 Sumbut, and the 29th Mohurrem 1233 Higeree.

Preamble.

WHEREAS it has been deemed expedient to adopt some precise rules for the coinage and currency of the copper pice struck in the mint of Calcutta, and also for extending the circulation of those pice, as well as the pice struck at the mints of Benares and Furruckabad, the following rules are therefore enacted, to be in force from the date of their promulgation throughout the provinces immediately dependent on the Presidency of Fort William.

Specification of the weight of copper pice ſtruck at the mint at Calcutta.

II. The copper pice struck at the Calcutta mint shall be of pure copper, and of the weight of 100 grains troy.

Inſcription and date.

III. The inscription shall be on one side One Pie Sicca, in the Bengalee, Persian and Nagree characters, and the date on the obverse.

Rate at which the pice ſhall be iſſued and received.

IV. The pice shall be issued from the mint and public treasuries at the rate of sixty-four to one sicca rupee, at which rate they will be received again by the public officers in payment of the fractional parts of a rupee, and they shall also be legal tender in payments of the same nature, at the rate of sixty-four to a rupee of the local currency throughout the provinces subject to the Presidency of Fort William.

The pice ſtruck at the mints of Benares and Furruckabad to circulate equally with the pice of Calcutta coinage, throughout the provinces.

V. The pice struck at the mints of Benares and Furruckabad, agreeably to the provisions of Regulation X, 1809, Regulation VII, 1814, and Regulation XXI, 1816, shall also be considered as circulating equally with the pice of Calcutta coinage throughout the above-mentioned provinces; and shall in like manner be received as a legal tender in payment of the fractional parts of a rupee of the local currency, at the rate of sixty-four pice for each rupee.

A. D. 1817. REGULATION XXVI.

A REGULATION for authorizing the circulation of Furruckabad Rupees, coined in either of the Mints of Calcutta, Furruckabad, or Benares, or at any other Mint established by Order of the Governor General in Council.—Passed by the Vice-President in Council on the 16th December 1817; corresponding with the 3d Poose 1224 Bengal era; the 23d Aughun 1225 Fusly; the 4th Poose 1225 Willaity; the 8th Aughun 1874 Sumbut; and the 6th Suffer 1233 Higeree.

Preamble.

WHEREAS it may from time to time be found expedient to coin, Rupees of the weight and standard of the Furruckabad Rupee at the mints of Calcutta or Benares, it has been deemed advisable to rescind so much of Section II of Regulation XLV, of 1803, as tends to limit the coinage of Furruckabad Rupees to the mint of Furruckabad; and to direct that the following enactment be henceforward in force.

Furruckabad rupees coined in any of the mints to be the eſtabliſhed and legal ſilver coin in the ceded and conquered provinces.

II. The silver coin denominated the Furruckabad Rupee, and of the weight and standard prescribed by Section II, of Regulation III, 1806, struck at the mints of Calcutta, Furruckabad or Benares, or at any other mint established by order of the Governor General in Council, is hereby declared to be the established and legal silver coin in the Ceded and Conquered Provinces.

II.

REGULATIONS

Passed by the Governor and Council of *Fort St. George*, in the Year 1817.—No. I. to VIII.

A. D. 1817. REGULATION I.

A REGULATION for modifying certain parts of Regulation IV, 1812.—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 20th January 1817; corresponding with the 10th Tye of the year Dautoo, 1738th year of Saliwahn, and with the 31st Suffer 1232 Hijeree.

Preamble. WHEREAS a Convention of Commerce has been concluded between Great Britain and the United States of America, containing certain special provisions for the conduct of the trade of American subjects with the British territories in India, the following rules have been framed into a Regulation, to be in force in the territories subject to the Presidency of Fort St. George from the period of their promulgation.

The operat parts of sec Regulation IV, 1812, modified. II. It is hereby declared and enacted that such parts of Section III, Regulation IV, 1812, as refer to ships belonging to the United States of America shall cease during the continuance of the said Convention, and that the several provisions of the third article thereof, which is herein inserted, shall, during such period, be observed within the territories subject to the Presidency of Fort St. George.

Article III of a Convention of Commerce between Great Britain and the United States of America, signed at London, 3d July 1815.

Article III. of a convention of Commerce between Great Britain and America.

" His Britannick Majesty agrees that the vessels of the United States of America " shall be admitted and hospitably received at the principal Settlements of the British " Dominions in the East Indies, viz. Calcutta, Madras, Bombay, and Prince of " Wales's Island; and that the citizens of the said United States may freely carry " on trade between the said principal settlements and the said United States, in all " articles of which the importation and exportation respectively, to and from the " said territories, shall not be entirely prohibited: provided only, that it shall not be " lawful for them, in any time of war between the British Government and any State " or Power whatever, to export from the said territories, without the special permis- " sion of the British Government, any military stores, or naval stores, or rice. The " citizens of the United States shall pay for their vessels, when admitted, no higher or " other duty or charge than shall be payable on the vessels of the most favoured " European nations; and they shall pay no higher or other duties or charges on the " importation or exportation of the cargoes of the said vessels, than shall be payable " on the same articles when imported or exported in the vessels of the most favoured " European nations.

" But it is expressly agreed that the vessels of the United States shall not carry " any articles from the said principal settlements to any port or place, except to " some port or place in the United States of America, where the same shall be " unladen.

" It is also understood that the permission granted by this article is not to extend " to allow the vessels of the United States to carry on any part of the coasting-trade " of the said British territories; but the vessels of the United States having, in the " first instance, proceeded to one of the said principal settlements of the British

" dominions in the East Indies, and then going with their original cargoes, or any " part thereof, from one of the said principal settlements to another, shall not be " considered as carrying on the coasting-trade. The vessels of the United States may " also touch for refreshments, but not for commerce, in the course of their voyage " to or from the British territories in India, or to or from the dominions of the Em- " peror of China, at the Cape of Good Hope, the Island of St. Helena, or such " other places as may be in the possession of Great Britain in the African or Indian " seas; it being well understood, that in all that regards this article, the citizens of " the United States shall be subject, in all respects, to the laws and regulations of " the British Government from time to time established."

Explanation regarding the veſſels of the United States of America being prohibited from touching at or holding any communication with the Iſland of St. Helena.

III. In explanation of the above article, the Governor in Council deems it proper to give notice, for general information, that the ratifications of the said Treaty were exchanged under the explicit declaration and understanding that the vessels of the United States cannot be allowed to touch at, or hold any communication with, the Island of St. Helena, as long as the said Island shall continue to be the place of residence of Napoleon Buonaparte.

A. D. 1817. REGULATION II.

A REGULATION for suspending, for a certain period, the operation of Regulations XIII, XIV and XV of 1816, and for re-establishing certain stamp-duties abolished by the first of those Regulations:—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 20th January 1817; corresponding with the 10th Tye of the year Dautoo, 1738th year of Saliwahn, and with the 31st Suffer 1232 Hijeree.

Preamble.

AS the stamps described in Clause first, Section V, Regulation XIII, 1816, cannot be prepared so that the new stamped paper may be transmitted to the several districts under this Presidency by the period fixed for that Regulation to take effect; as many of the provisions of Regulations XIV and XV of 1816 are dependent on the operation of Regulation XIII of 1816; and as it is found expedient to continue the stamp-duties established under the provisions of Section II, Regulation VIII of 1808, and Sections XIII, XIV and XV of Regulation II, of 1813, and abolished under the provisions of Section II, Regulation XIII of 1816, the Governor in Council has been pleased to enact this Regulation.

Certain provisions of former Regulations reſcinded.

II. Regulations IV, V, VIII and XVII, of 1808, Section XXXV, Regulation VII of 1809, and Regulation II of 1813, and generally all rules at present in force respecting the duties levied by means of stamped paper and stamped cadjans, and regarding the fees to be paid on the institution of suits on exhibits and on summonses for witnesses, shall continue in force till the 12th of July 1817, and from and after that date shall be rescinded.

Regulations XIII, XIV and XV of 1816 not to be in force until the 12th of July 1817.

III. The operation of Regulations XIII, XIV and XV of 1816 shall not commence until the 12th of July 1817, from which day they shall be in force.

Additional rules to be in force from the ſame date.

IV. The following Rules shall be in force from and after the 12th of July 1817.

Stamped paper to be uſed for rowannahs.

V. *First.*—For all rowannahs permitting the transportation or carriage of any goods (salt and rice only excepted) to which the seal and signature of any of the Collectors of customs in the provinces subject to the Presidency of Fort St. George, or their officers, are or may be required to be affixed, stamped paper shall be used, and the parties obtaining them shall pay for it at the following rates:

Rates of ſtamps on rowannahs.

If the value of the goods shall not exceed ten rupees,—one anna.
If above ten, and not above fifty rupees,—four annas.
If above fifty, and not above one hundred and fifty,—eight annas.
If above one hundred and fifty, and not above three hundred,—one rupee.
If above three hundred, and not above a thousand,—two rupees.
If above a thousand, and not above five thousand,—four rupees.
If above five thousand, and not above ten thousand,—ten rupees.
If above ten thousand rupees,—twenty rupees.

Second.

Second.—Stamped paper shall not be required for exchanged rowannahs and rowannah chittees, or teerwa chittees or passes. Stamped paper not required for rowannah chittees or teerwa chittees.

Third.—Stamped paper shall not be required for rowannahs granted for goods provided for the Company's investment. Stamped paper not required for rowannahs for the Company's goods.

VI. Stamped paper shall be used for all abkary licenses, and the parties obtaining them shall pay for it according to the rates hereunder mentioned. Stamped paper to be used for abkary licenses.

Rates of stamps on abkary licenses.

On a rent of rupees	500 or under		5 rupees.
Ditto - of rupees	1,000 and above	500	10
Ditto - of rupees	2,000 and above	1,000	20
Ditto - of rupees	3,000 and above	2,000	30
Ditto - of rupees	4,000 and above	3,000	40
Ditto - of rupees	5,000 and upwards		50

VII. Stamped paper shall be used for all licenses for the retail sale of tobacco which may be granted in the provinces of Malabar, Canara and Coimbetore, and the parties obtaining them shall pay for it at the following rates; viz. Stamped paper to be used for tobacco licenses.

Rates of stamps on tobacco licenses.

Two annas if the annual average sales do not amount to three maunds.
Four annas if they amount to three, but not to nine maunds.
Eight annas if they amount to nine, but not to fifteen maunds.
One rupee if they amount to fifteen maunds.

VIII. All persons who on the 12th day of July 1817 shall have in their possession blank stamped paper, which cannot be used under the provisions thereafter to be in force, on returning such stamped paper to the Collector of the zillah, his Assistant, or other European officer authorized to dispose of stamped paper, shall be entitled to receive back the duty which may have been paid thereon. The former descriptions of blank stamped paper may be returned to the Collector, who will pay back the duty.

A. D. 1817. REGULATION III.

A REGULATION for explaining and modifying certain provisions of Regulations IX, X and XI of 1816:—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 3d February 1817; corresponding with the 24th Tye of the year Dautoo, 1738th year of Saliwagana, and with the 15th Rabi-ul-âwel 1232 Hijeree.

WITH the view of removing certain doubts concerning the degree of communication between the Criminal Judge and the Magistrate, permitted under the provisions of Regulations IX and X of 1816, and of obviating the public inconvenience, and other evils which in cases of emergency might result from the want of authority in the Criminal Judge to command the services of the Police during the absence of the Magistrate and of his Assistant, the Governor in Council has passed this Regulation. Preamble.

II. The Criminal Judge may call for any documents required to be transmitted to him by the Magistrate under Section XXV, Regulation IX of 1816, or by a Police-Officer under Section XXVII, Regulation XI of 1816, which may not be so transmitted. And it is hereby declared, that nothing in the existing Regulations is intended to prohibit a full and free communication between the Criminal Judge and the Magistrate on all subjects connected with the discharge of their respective duties in those capacities. The Criminal Judge may call for such documents as are deficient.

A full and free communication to take place between Criminal Judges and Magistrates on all subjects connected with their duties.

III. In any case requiring the immediate interference of the Magistracy when there may not be a Magistrate or Assistant Magistrate present at the zilla station, it shall be competent to the Criminal Judge to do all acts necessary for preserving the public peace or securing public offenders, which it would be competent to the Magistrate in such case to do; and it shall be the duty of all Police-Officers to afford him the most prompt and effectual aid. Criminal Judge authorized to act for the Magistrate in certain cases.

A. D. 1817. REGULATION IV.

A REGULATION for rescinding Regulation V of 1812, and reviving the Jurisdiction of the Zillah of South Malabar over the Town of Cochin and its Dependencies:—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 17th February 1817; corresponding with the 8th Mausee of the year Dautoo, 1738th year of Saliwahn, and with the 29th Robulavel 1232 Hijeree.

Preamble.

THE Regulations lately enacted having rendered a separate Court of Judicature for the Town of Cochin and its dependencies no longer necessary, the Right Honourable the Governor in Council has been pleased to enact this Regulation, to be in force from the date of its promulgation.

Reſciſſion of Regulation V of 1812.

II. Regulation V of 1812 is hereby rescinded.

Cochin declared ſubject to the Zillah of South Malabar.

III. *First.*—The jurisdiction exercised by the Court of South Malabar under the provisions of Clauses Second and Third, Section IV, Regulation XII, of 1808, is declared to be revived.

Records to be transferred.

Second.—All suits which may be depending before the Zillah Court of Cochin shall be transferred, together with the papers and documents connected therewith, to the Zillah Court of South Malabar, and the Judge of that zillah is empowered to proceed in the trial of the same, in like manner as if they had been originally instituted before him.

Order of jail-deliveries in the Weſtern Diviſion.

IV. The jail-deliveries of the several zillahs in the Western Division, with the exception of the zillah of North Malabar, shall hereafter be held in the following order of succession:

1. Canara,
2. South Malabar,
3. Seringapatam.

A. D. 1817. REGULATION V.

A REGULATION for providing a succession of Hindoos and Mahomedans duly qualified to be employed as Law-Officers, and as Vakeels in the Courts of Udawlut, under the Presidency of Fort St. George:—Passed by the Right Honourable the Governor in Council, on the 19th May 1817; corresponding with the 8th Vyahsee of the year Eswara, 1739th year of Saliwahan, and with the 2d Rajeb 1232 Hijeree.

Preamble.

THE Right Honourable the Governor in Council having been pleased to sanction certain Rules of the College of Fort St. George, which provide for the establishment of Native Classes to study the Hindoo and Mahomedan Law and the Regulations passed by Government, and for the periodical examination of the Students in those classes, and of such other Natives as have prosecuted their studies in the provinces subject to this Government, and may be desirous that their knowledge and qualifications for public employment should be ascertained in that manner; and it being deemed expedient, as well with the view of promoting the study of the Laws and the acquirement of general knowledge among the Natives of India, as for the purpose of affording aid and facility towards the administration of justice, that no persons should hereafter be appointed Law-Officers or Vakeels in the Courts of Udawlut under this Presidency who may not have received certificates of qualification from the College of Fort St. George; the Right Honourable the Governor in Council has been pleased to enact the following Rules, to be in force from and after the date of their promulgation.

Such perſons only to be appointed law-officers as have obtained certificates of qualification from the College of Fort St. George.

II. No person shall be appointed to be a Hindoo or Mahomedan Law-Officer in any of the Courts of Udawlut under this Presidency who shall not have obtained from the College of Fort St. George a certificate of qualification in the form A, contained in the Appendix to this Regulation.

III. No

III. No person shall be admitted to practise as a Pleader in any of the Courts of Udawlut under this Presidency who shall not have obtained from the College of Fort St. George a certificate of qualification according to some one of the forms B. C. or D, in the Appendix to this Regulation.

Such persons only to be admitted pleaders as have obtained certificates of qualification from the College.

IV. *First.*—Any person who shall have received from the College the certificate B. shall, on applying for the same, be entitled to receive from the Court of Sudder Udawlut a sunnud according to the form E. in the Appendix to this Regulation, authorizing him to act as a Vakeel in any of the provincial or zillah Courts; and the production of such sunnud shall entitle such person to be admitted to practise in any of those Courts accordingly.—Provided that every such person so admitted shall be subject to all the Rules in force for the guidance of Vakeels, and shall be further liable to be deprived of the sunnud granted to him by the Sudder Udawlut for any misconduct which may appear to that Court to render him unworthy of the privilege conferred thereby.

Pundits or Moulavies, having certificates of qualification as pleaders, shall be entitled to a sunnud from the Sudder Udawlut;

And in virtue thereof shall be admissible to plead in the courts.

Second.—So long as persons admitted to plead in the Courts of Udawlut under the provisions of this Section shall receive pay from the College of Fort St. George, and no longer, they shall be prohibited from giving advice to parties opposed to Government in any civil suit or proceeding, or from being concerned directly or indirectly in behalf of such parties.

Pundits or Moulavies admitted to plead shall, under certain circumstances, be considered as retained by Government.

Third.—It shall be competent to the Board of Revenue, the Board of Trade, or any other authority intrusted with the management of any suit on the part of Government, to associate with the established Vakeel of Government any one of the persons admitted to plead under the provisions of this Section, in any suit arising in the Court in which such person may be admitted to plead; and the Vakeel so associated shall be furnished with a vakalutnamah duly authenticated, and shall be entitled to receive fees equal to one half of the fees established for Pleaders by Regulation XIV of 1816; and it is hereby further provided, that in all cases wherein from the absence or indisposition of the Government Pleader the management of a cause may devolve altogether, or in a great measure, upon the Pleader so associated with the Government Pleader, the Court before whom the suit shall be tried shall be authorized to divide, in such proportion as may appear just, the established fees payable to the Government Vakeel, between the Government Vakeel and the Vakeel associated with him.

Rules under which Pundits or Moulavies, practising as pleaders, are to be associated with, or substituted for, the Government vakeel.

V. Provided always, that none of the foregoing provisions shall be construed to affect the just pretensions of the Pleaders heretofore admitted and now practising in any of the Courts of Judicature, or to hinder their promotion from the Zillah to the Provincial Courts, or their appointment to any office or employment, for which they may be qualified.

The provisions of this Regulation not to affect pleaders admitted before this enactment takes effect.

APPENDIX.

A.

Certificate of a Pundit or Moulavie.

(Seal of the College.)

E. F. } Law Officers of the Court of
G. H. } Sudder & Foujdaree Udawlut.

THIS is to certify, that at an examination held on the
of 181 , by the Board of Superintendence for the College of Fort St. George, assisted by the Law-Officers of the Court of Sudder and Foujdaree Udawlut, and by the Head [Sanscrit or Arabic] Master at the said College, A. B. was declared to be qualified by his great proficiency in the sciences of [Grammar, Law, Logic, &c.] to discharge the duties of [Pundit, Cazee, or Mooftee.]

583. THIS

I. K. Head [Sanscrit or Arabic] Master at the College of Fort St. George.

THIS certificate has been granted to the said A. B. under the seal of the College, this day of in the year 181 . corresponding with the [Mahomedan or Hindoo date.]

C. D.

Secretary.

B.

Certificate of a Pundit or Moulavie declared qualified to be admitted a Vakeel.

(Seal of the College.)

E. F.] Law Officers of the Court G. H.] Sudder and Foujdaree Udawlut.

THIS is to certify, that at an examination held on the of 181 , by the Board of Superintendence for the College of Fort St. George, assisted by the Law-Officers of the Court of Sudder and Foujdaree Udawlut, and by the Head [Sanscrit or Arabic] Master at the said College, A. B. was declared to be qualified, by his great proficiency in the sciences of [Grammar, Law, Logic, &c.] to discharge the duties of [Pundit, Cazee, or Mooftee.]

And this is further to certify, that the said A. B. has acquired a competent knowledge of the Regulations enacted by the Government of Fort St. George, and that he is therefore qualified to discharge the duties of Pleader in any of the Courts of Judicature.

I. K. Head [Sanscrit or Arabic] Master at the College of Fort St. George.

THIS certificate has been granted to the said A. B. under the seal of the College, this day of in the year 181 , corresponding with the [Mahomedan or Hindoo date.]

C.

Certificate.

(Seal of the College.)

Law-Officers of the Court of Sudder Udawlut.

THIS is to certify, that at an examination held on the of 181 , by the Board of Superintendence, assisted by the Law-Officers of the Court of Sudder Udawlut, and the Head [Sanscrit or Arabic] Master of the College, A. B. was declared to be qualified, by his proficiency in [Hindoo or Mahomedan] Law, and in the Regulations enacted by the Government of Fort St. George, to discharge the duties of Pleader in any of the Courts of Judicature.

THIS

Head *Sanscrit* or *Arabic* Master College of Fort St. George—and the Head English, Telugoo or Tamil Masters, according as the examination in the Regulations has been conducted in any of these tongues.

THIS certificate has been granted to the said A. B. under the seal of the College, this day of in the year 181 , corresponding with the [the Mahomedan or Hindoo date to be here inserted.]

D.

Form of Certificate.

(Seal of the College.)

THIS is to certify, that the Board of Superintendence of the College of Fort St. George having received a report of the examination of A. B. held on the of 181 , before the Judge or Judges, assisted by the Law-Officers, and the Government Vakeel of the [Zillah or Provincial] Court of , on mature consideration of the said report, and of the opinion of the [Mahomedan or Hindoo] Law-Officers of the Court of Sudder Udawlut and the Head [Sanscrit or Arabic] Master of the College thereon, have declared the said A. B. to be qualified, by his proficiency in [Hindoo or Mahomedan] Law, and in the Regulations enacted by the Government of Fort St. George, to discharge the duties of Pleader in any of the Courts of Judicature.

Head [*Sanscrit* or *Arabic*] Master, College of Fort St. George.

THIS certificate has been granted to the said A. B. under the seal of the College, this day of in the year 181 , corresponding with the [the Mahomedan or Hindoo date to be here inserted.]

E.

Sunnud of a Pundit or Moulavie to be admitted a Vakeel in the Courts of Udawlut.

(Seal of the Court of Sudder and Foujdaree Udawlut.)

A. B. having been certified by the Board of Superintendence for the College of Fort St. George, to be qualified by his learning to discharge the duties of a Law-Officer, and by his knowledge of the Regulations to be admitted to plead as a Vakeel; the Judges of the Court of Sudder and Foujdaree Udawlut hereby declare the said A. B. to be authorized to transact business as a Vakeel, according to the Regulations.

A. D. 1817. REGULATION VI.

A REGULATION for declaring the provisions of Section IX, Regulation XIII, of 1816, not applicable to deeds and instruments executed previously to the 12th of July 1817, and for reviving the operation of Regulation VIII of 1808, and Regulation II, of 1813, with respect to deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817.—Passed by the Governor in Council of Fort St. George, on the 30th September 1817; corresponding with the 17th Peratausee of the year Eswara, 1739th year of Salewahan, and with the 18th Zecaud 1232 Hijeree.

Preamble.

WHEREAS it is enacted by Section IX, Regulation XIII of 1816, that from and after the period fixed for the operation of that Regulation, no deeds or instruments of the several descriptions enumerated in the said Section shall be received or filed in any Court of Judicature unless the same shall have been written on paper or other material bearing the prescribed stamp: and whereas it is expedient to declare that the provision above recited is not intended to affect any deeds or instruments executed prior to the date on which Regulation XIII of 1816 commenced operation, and also to restore the law to its former state with respect to all deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817; the Governor in Council has enacted the following rules.

Section IX, Regulation XIII, 1816, not applicable to deeds executed before the Regulation took effect.

II. It is hereby declared that the provisions of Section IX, Regulation XIII of 1816, are not intended to apply to any deeds or instruments executed prior to the 12th of July 1817.

Former ſtamp Regulations revived, with reſpect to deeds executed while they were in force.

III. In modification of such part of Section II, Regulation XIII of 1816, as rescinds Regulation VIII of 1808, and Regulation II of 1813, it is hereby enacted that the provisions of those Regulations shall still be applied to all deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817.

A. D. 1817. REGULATION VII.

A REGULATION for the due appropriation of the Rents and Produce of Lands granted for the support of Mosques, Hindoo Temples and Colleges, or other public purposes, for the maintenance and repair of Bridges, Choultries or Chuttrums, and other public buildings, and for the custody and disposal of Escheats.—Passed by the Governor in Council of Fort St. George, on the 30th September 1817; corresponding with the 17th Peratausee of the year Eswara, 1739th year of Salewahan, and with the 18th Zecaud 1232 Hijeree.

Preamble.

WHEREAS considerable endowments have been granted in Money, or by assignments of Land, or of the produce or portions of the produce of Land, by former Governments of this country, as well as by the British Government, and by individuals for the support of Mosques, Hindoo Temples, Colleges and Choultries, and for other pious and beneficial purposes: and whereas there are grounds to believe, that the produce of such endowments, is, in many instances, appropriated contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments: and whereas it is the duty of the Government to provide that all such endowments be applied according to the real intent and will of the grantor: And whereas it is moreover expedient to provide for the maintenance and repair of Bridges, Choultries, Chuttrums and other buildings, which have been erected, either at the expense of Government, or of individuals for the use and convenience of the public; and also to establish proper rules for the custody and disposal of Escheats; the following rules have been enacted, to be in force from the date of their promulgation throughout the provinces, immediately dependent on the Presidency of Fort St. George.

The general ſuperintendence of all endowments in land or

II. The general superintendence of all endowments in Land or Money, granted for the support of Mosques, Hindoo Temples, or Colleges, or for other pious and beneficial

beneficial purposes, and of all public buildings, such as Bridges, Choultries or Chuttrums, and other edifices in the several provinces dependent on the Presidency of Fort St. George, is hereby vested in the Board of Revenue.

money, granted for the support of mosques, &c. and of bridges, choultries, and other public buildings, vested in the Board of Revenue.

III. It shall be the duty of the Board of Revenue to take such measures as may be necessary to ensure that all endowments made for the maintenance of establishments of the description above mentioned, are duly appropriated to the purpose for which they were destined by the Government, or the individual by whom such endowments were made. In like manner it shall be the duty of that Board to provide, with the sanction of Government, for the due repair and maintenance of all public edifices which have been erected at the expense either of the former or present Government, or of individuals, and which either are or can be rendered conducive to the convenience of the community.

The Board to take measures for the due appropriation of such endowments, and for the due repair of public edifices.

IV. In those cases, however, in which any of the buildings specified in the preceding section have fallen to decay, and cannot be conveniently repaired, or are not calculated, if repaired, to afford any material accommodation to the public, the Board of Revenue shall submit to Government their opinion as to the most expedient mode of disposing of such buildings; and they shall be sold on the public account, or otherwise disposed of as the Governor in Council may determine.

Buildings fallen to decay, or not calculated to be useful if repaired, how to be disposed of.

V. Under the foregoing rules it will be incumbent on the Board of Revenue to prevent any endowments in Land, or Money, which have been granted for the support of establishments of the above description, or any public edifices, from being converted to the private use of individuals, or otherwise misappropriated.

The Board to prevent endowments in land or money, and public edifices, from being appropriated by individuals to private uses.

VI. The general superintendence of all Escheats is likewise hereby vested in the Board of Revenue, who will, through the channel hereafter mentioned, inform themselves fully of all property of that description, and submit to Government their opinion as to the most expedient mode of disposing thereof, and the same shall be sold on the public account, or otherwise disposed of as the Governor in Council may determine.

The general superintendence of escheats vested in the Board of Revenue.

VII. To enable the Board of Revenue the better to carry into effect the duties intrusted to them by this Regulation, local agents shall be appointed in each zillah, subject to the authority, control and orders of that Board.

Local agents to be appointed, to enable the Board to carry into effect the duties hereby intrusted to them.

VIII. The collector of the zillah shall be ex officio one of those agents, and the Governor in Council, when he deems it necessary, will unite, and may appoint any other public officer or officers from the Civil, Military, or Medical Branch of the service, to act in conjunction with him.

The collector of the Zillah to be ex officio an agent, with such others as may be deemed expedient.

IX. Under the provisions of the present Regulation it will be the duty of the local Agents to obtain full information from the public records, and by personal inquiries, respecting all endowments, establishments and buildings of the nature of those before described, and respecting all Escheats, and to report to the Board of Revenue any instance in which they may have reason to believe that Lands or Buildings, or the Rent or Revenues derived from Lands, are unduly appropriated, being in all cases careful not to infringe any private rights, or to occasion unnecessary trouble or vexation to individuals.

Such agents to ascertain the particulars of all endowments, buildings or escheats, and report to the Board of Revenue.

X. The said local Agents shall further ascertain and report to the Board of Revenue the names of the present Trustees, Managers, or Superintendents of the several institutions, foundations, or establishments above described, together with other particulars respecting them, and by whom and under what authority they have been appointed or elected, and whether in conformity to the special provisions of the original endowment, and appropriation by the founder, or under any general rules or maxims applicable to such institutions and foundations.

The agents to ascertain and report the names, &c. of the present trustees or managers of such institutions, and by what authority appointed.

XI. The local Agents shall also report to the Board of Revenue all vacancies and casualties which may occur, with full information of all circumstances, to enable that Board to judge of the pretensions of the person or persons claiming the Trust, particularly whether the succession has been heretofore by inheritance in the line of descent, or whether the successor has been in former instances elected, and by whom, or whether he has been nominated by the founder, or his heir or representative, or by any

The agents to report to the Board of Revenue all vacancies or casualties which may occur, with full information as to the pretensions of claimants.

other individual portion of the foundation, or by any officer or representative of Government, or directly by the Government itself.

The agents to recommend fit persons for the confirmation of the Board of Revenue, in cases wherein the right of nomination appertains to Government.

XII. In those cases in which the nomination has usually rested with the Government, or with a public officer, or in which no private person may be competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local Agents to propose, for the approval and confirmation of the Board of Revenue, a person or persons for the charge of Trustee, Manager, or Superintendent, strictly attending to the qualifications of the person or persons selected, and to any special provisions of the original endowments and foundation, and to the general rules or the known usages of the country applicable to such cases.

The Board to appoint such persons, or make such other provision for the Trust as they may deem fit, with reference to the conditions of the endowment.

XIII. On the receipt of the report and information required by the preceding Clause, the Board of Revenue shall either appoint the person or persons nominated for their approval, or shall make such other provision for the Trust, Management, or Superintendence, as may to them seem right and fit, with reference to the nature and conditions of the endowment, having previously called for any further information from the local Agents that may appear to them to be requisite.

Individuals deeming themselves injured by any orders passed under this Regulation, not precluded from suing for recovery of their rights, or for damages, in the manner prescribed in the Regulations.

XIV. Nothing contained in this Regulation shall be construed to preclude any individual who may conceive that he has just grounds of complaint on account of any orders which may be passed by any of the before-mentioned authorities, with respect to the appropriation of any Lands or Buildings, or of any Rents and Revenues from Lands of the nature of those before described, from suing in the mode and form prescribed by the Regulations, where Government or public officers are parties, or under the general provisions of the Regulations, if the suit be brought against a competition, or other private person for the recovery thereof, in the regular course of law, or for compensation in damages for any loss or injury supposed to have been unduly sustained by him.

The object of this Regulation is solely to provide for the due appropriation of endowments granted, or buildings erected for public purposes.

XV. It is to be clearly understood, that the object of the present Regulation is solely to provide for the due appropriation of Lands or other endowments granted for public purposes, agreeably to the intent of the grantor, and not to resume any part of them, or of their produce, for the benefit of Government. In like manner it is fully intended that all buildings erected by any former or the present Government, or by individuals for the convenience of the public, should be exclusively appropriated to that purpose, with the exception of such as have fallen to decay and cannot be conveniently repaired, or which can no longer contribute to the accommodation of the community.

Native servants, trustees, managers, or superintendants, guilty of fraud or embezzlement, how to be punished.

XVI. The legislative provisions now in force, or which may hereafter be enacted for the punishment of fraud or embezzlement in the native servants of Government employed under the Collector in the department of Land Revenue, shall be held applicable to all native servants, and to all Trustees, Managers, or Superintendents employed in, or charged with, the settlement, custody, or appropriation, of the Revenues, Funds, or other property of the public institutions referred to in this Regulation.

A. D. 1817. REGULATION VIII.

A REGULATION for expediting the trial of civil suits in which the Native Officers and Soldiers attached to regular Corps on the Military Establishment of the Presidency of Fort St. George may be parties, and for giving to them certain facilities in the maintenance and recovery of their rights, claims and interests. —Passed by the Governor in Council of Fort St. George, on the 9th December 1817; corresponding with the 26th Karteky of the year Eswara, 1739th year of Salewahan, and with the 29th Mohurrum, 1233 Hijeree.

Preamble.

WHEREAS the native officers and soldiers on the Military Establishment of the Presidency of Fort St. George are liable to be stationed at places remote from their homes and families: and whereas the impracticability of granting to such native officers and soldiers frequent or prolonged leave of absence from their military duties, has caused to them material difficulty and embarrassment in maintaining and recovering their just

just rights, claims and interests: and whereas the fidelity and courage exhibited by the native troops in various wars on the continent of India, and the zeal and alacrity which they have uniformly displayed in voluntarily embarking on foreign expeditions, entitle them to the favourable consideration of Government; the Governor in Council, with the view of manifesting his sense of their good conduct, and of affording to them every facility in the maintenance and recovery of their rights, claims and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice, and for the collection of the land-revenue, has enacted the following rules, to be in force from the period of their promulgation, throughout the territories dependent on the Presidency of Fort St. George.

Provisions of certain regulations modified.

II. Such parts of the Regulations in force as prohibit the Courts of Civil Justice from corresponding by letter with parties in depending suits, or direct that no pleadings shall be received in any civil cause except from the parties or their authorized pleaders; such parts of the Regulations in force as require generally, that depending causes shall be brought to trial according to the order in which they may stand on the file; and such parts thereof as prohibit the Courts from furnishing copies of decrees, or from receiving mokhtarnamahs on any other paper than the prescribed stamped paper, are hereby declared to be subject to the modifications contained in the following Sections of this Regulation.

Native officers and soldiers may appoint attornies to transact business for them in the Provincial and Zillah Courts.

III. *First.*—Whenever a native officer or soldier on the Military Establishment of the Presidency of Fort St. George shall be desirous of instituting a regular or summary suit in any zillah or Provincial Court, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a mokhtarnamah or power of attorney, drawn up according to the Form No. 1, in the Appendix to this Regulation, authorizing and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in appeal, in the same manner as if the party were himself personally present and consenting.

The mokhtarnamah not to be on stamped paper.

Second.—Such mokhtarnamah shall not be required to be written on stamped paper, but shall be executed by the native officer or soldier in the presence of the Commanding Officer of the Corps or Detachment, to which he may belong, who shall countersign the same in testimony of its having been voluntarily executed.

The mokhtarnamah to be transmitted in a prescribed form by the commanding officer of the party, to the Court.

Third.—The mokhtarnamah so executed is to be transmitted by the Commanding Officer under cover of a public letter, drawn up in the Form No. 2, of the Appendix, addressed to the Register of the Court in which the suit is to be instituted, and upon the receipt of such letter, a notice shall be issued by the Court for the purpose of procuring the attendance, either personally, or by a constituted vakeel of the person nominated in the mokhtarnamah.

If the person nominated decline, or be unable to act, information thereof to be communicated by the Court in a prescribed form.

Fourth.—If such mokhtar shall refuse to attend the Court in person, or by a constituted Vakeel, or shall decline to undertake the Trust, or having undertaken it shall subsequently die, or be prevented by any sufficient cause from discharging the duty confided to him, the Court shall cause information of the same to be communicated to the native officer or soldier, by an extract from their proceedings enclosed in an official letter to be addressed to the Commanding Officer of the Corps.

The mokhtarnamah to be filed of record. The suit to be tried under the general regulations. If the party be not present, copy of the decree how to be communicated to him.

Fifth.—If the appointed mokhtar shall attend the Court in person, or by a constituted vakeel, and shall consent to undertake the duty confided to him, the original mokhtarnamah shall be deposited in the Court, and shall form a part of the record of the cause. The suit shall be instituted, tried and determined, in conformity with the general rules in force for the institution and trial of other similar suits, provided, however, that in all cases where the native officer or soldier who may be the principal in the suit shall not be himself present at the time of its decision, an authenticated copy of the decree written on unstamped paper shall be transmitted by the Court to the Commanding Officer of the Corps or Detachment, for the purpose of its being communicated to the native officer or soldier.

These provisions not applicable to claims originating in loans or commercial transactions.

Sixth.—It is hereby explained, that no part of the preceding Clauses, or of the subsequent provisions of this Regulation, is intended to be applicable to claims originating in loans granted by a native officer or sepoy, or in pecuniary transactions of a commercial nature.

Rules to be obſerved with the view of obviating the neceſſity of ex parte trials in cauſes wherein native officers or ſoldiers are defendants.

IV. *First.*—For the purpose of ensuring the due communication to all native officers and sepoys of the summons or other notice of the institution of suits against them, so as to prevent, as far as possible, such suits from being brought to trial ex parte, it is hereby enacted, that in all such suits the plaint or petition of appeal shall contain a declaration that the defendant or respondent is a native officer or soldier, and all plaintiffs or appellants who shall knowingly and intentionally omit to make such statement, are hereby declared liable to be fined in such sum as the Court before whom such pleadings may be filed shall deem equitable, not exceeding one fourth of the institution fee or stamp-duty in each case; and it is further provided, that the plaintiff or appellant shall state in his plaint or petition of appeal, to the best of his knowledge or belief, the particular Regiment or Corps to which such native officer or sepoy may belong, or in the event of his being unable to specify the same, then it shall be the duty of the Court before whom the suit is filed to endeavour to ascertain the point.

A notice in the uſual form to be tranſmitted to the commanding officer.

Second.—A notice in the usual form, together with a copy of the plaint or petition of appeal on unstamped paper, enclosed in an official letter, drawn up according to the Form No. 3, of the Appendix, shall be then transmitted by the Court to the Commanding Officer of the Corps, for the purpose of their being communicated to the native officer or soldier against whom the suit may have been instituted: a similar notice shall be issued, when omitted in the first instance, from ignorance of the defendant's being a native officer or soldier, attached to a regular Corps, if at any subsequent period during the trial of the suit it should appear to the Court that the defendant or respondent is a native officer or soldier as above described.

The Commanding Officer on receipt of the notice will cauſe it to be duly ſerved.

Third.—The Commanding Officer shall, if practicable, cause the notice to be served on the party to whom it is addressed, and shall then return it to the Court from whom it issued, with the written acknowledgment of the party indorsed thereupon, together with the mokhtarnamah, according to the Form No. 1, in the Appendix, if the party should have appointed an attorney to defend the suit in his behalf. If from whatever cause the notice transmitted to the Commanding Officer cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the Commanding Officer to the Court from whom it had been received, with information of the cause which had prevented the service of it. In such case of non-service of process the Court shall make such further reference, or shall adopt such other measures in order to the due service of such process, as may appear to be proper and consistent with the Regulations.

The Court how to proced if the notice cannot be ſerved.

Communications to be made by commanding officers of leave of abſence granted to native officers or ſoldiers, to enable them to conduct their own ſuits.

V. *First.*—When a native officer or soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the Zillah or Provincial Courts, he shall be furnished by the Commanding Officer of the corps or detachment, with an official letter addressed to the Register of the Court in which the suit is to be tried; such letter shall be drawn up according to the Form No. 4, of the Appendix to this Regulation, but it shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

The Court authorized to nominate a vakeel on behalf of the native officer or ſoldier.

Second.—Such letter shall be delivered in person by the native officer or soldier to the Court, who are hereby authorized, at the request of the party, to nominate a Vakeel of the Court to aid in preparing the pleadings, and generally in conducting the prosecution or defence of the suit.—The Court shall at the same time cause the native officer or soldier to be duly apprized of the provisions contained in Regulation XIV of 1816, and in any other Regulation in force relative to the duties and established fees of pleaders, and of the necessity of conforming thereto in the event of his employing a pleader.

A native officer or ſoldier not prohibited from pleading in perſon, or appointing their own pleaders.

VI. Nothing contained in the preceding Section shall be construed to prohibit a native officer or soldier from pleading his cause in person, or from employing any authorized pleader of the Court, instead of applying to the Court to nominate a Vakeel to act on his behalf.

Suits inſtituted under this Regulation to be tried forthwith.

VII. *First.*—The Zillah and Provincial Courts are hereby authorized and required to bring to a hearing, without regard to the order in which they may be filed, all suits in which a native officer or soldier who may have obtained leave of absence from his corps may be a party, and to pass a decision thereon as speedily as may be consistent with the due administration of justice.

Second.

Second.—If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native officer or soldier, the Court before whom the suit may be depending is hereby vested with a discretionary authority to grant to such native officer or soldier an extension of his leave of absence for a period sufficient to admit of a reference being made to the Commanding Officer of the corps for the purpose of ascertaining whether the furlough can be prolonged for any further specific period.—But whenever a judge or register may exercise the discretionary power above vested in him he shall be careful to make the reference immediately in an official letter to the Commanding Officer of the corps to which the native officer or sepoy may be attached.

The Court may extend the officer's or soldier's leave of absence under certain rules.

Third.—A native officer or soldier returning to his corps before a final decision has been passed in his suit shall be at liberty to leave the further conduct of the suit either to a mokhtar, duly constituted under a mokhtarnamah executed according to the Form No. 1, in the Appendix to this Regulation, or to one or more of the established pleaders of the Court empowered to act for him by a regular vakalutnamah.

Native officers or soldiers quitting the court station before the determination of the suits, may appoint attornies in their behalf.

VIII. Whenever any Land, or other real property belonging to a native officer or Soldier, may be attached by a court of justice for the purpose of realizing the amount of any judgment, fine or penalty imposed on such native officer or soldier, the Court shall cause notice of the same to be issued in the manner prescribed in Clause Second, Section IV, of this Regulation, and shall postpone the sale for such definite period as may appear reasonable for the purpose of affording an opportunity to the native officer or soldier to discharge the amount of the judgment, fine, or penalty.

Notice to be given whenever land or other real property belonging to a native officer or soldier is attached by Courts.

IX. *First.*—Any registered proprietor of an estate paying revenue to Government, who may be entertained as a native officer or soldier on the military establishment under the Presidency of Fort St. George, shall be at liberty to notify to the collector the rank which he may hold, and the designation of the corps to which he may be attached. A record of such notification shall be inserted by the collector in the public registers and accounts relative to the estate and its assessment; and in cases in which the estate, or a portion of the estate of a native officer or soldier, who may have made such notification, shall become liable to public sale for the recovery of an arrear of revenue, the collector shall address an official letter to the Commanding Officer of the corps, drawn in the form prescribed in No. 5, of the Appendix to this Regulation, and shall enclose in such letter a written notice, signed and sealed by himself, and attested by the principal native officer on his establishment, specifying the amount of the arrear, and the date on which it became due, and requiring that it be paid at the treasury of the collectorship within such limited period of time, as on consideration of the distance at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Proprietors of malgoozaree estate being native officers or soldiers, may register themselves as such on application to the collector.

Collectors how to proceed if such landed property become liable to sale for arrear of revenue.

Second.—The Commanding Officer of the corps shall acknowledge to the collector the receipt of his letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

The Commanding Officer how to proceed on receiving the collector's notice.

Third.—If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the collector shall report the circumstances of the case to the Board of Revenue, transmitting at the same time a copy of the notice, and of his correspondence with the Commanding Officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board.

Collectors how to proceed in cases where arrears may not be discharged within a specified time.

X. *First*—Nothing contained in this Regulation shall be construed to authorize the Commanding Officer of any corps or detachment to correspond with the Civil Courts or with the collectors, regarding the merits of any judgment, or order, passed by those authorities respectively under the provisions of this Regulation.

Commanding officers not to correspond with Courts on the merits of cases.

Second.—Nothing contained in this Regulation shall be construed to modify, or to affect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions, or to local or irregular corps, or who may be camp-followers, or non-combatant retainers of the army, or who may be relations, or members of the family of a native officer or soldier, may be parties: the foregoing provisions of this Regulation are to

This Regulation not applicable to irregular Troops.

be considered as strictly and exclusively applicable to native officers or soldiers who may be entertained in regular corps, and on the actual strength of the army, on the establishment of the Presidency of Fort St. George.

APPENDIX.

FORM No. 1.

I, A. B. inhabitant of village talook in the district of son of of the cast of at present [here specify his rank] of the Battalion of the Regiment, stationed at , having occasion to institute [or defend] an action for* do hereby nominate and appoint C. D.† to be my attorney [or mokhtar], and I bind myself to abide by whatever he, the said attorney, may do in my behalf in the prosecution‡ [or defence] of the said suit.

The said attorney will either prosecute [or defend] the suit in person, or will appoint one or more of the authorized vakeels of the Court to prosecute [or defend] the same under the instructions of the said attorney, as he may think proper.—In the event of an appeal being preferred from the judgment passed in the suit, the said attorney is further hereby empowered to act for me on the appeal, in like manner as on the original suit.

(Signed)

Executed in my presence,

———,

Comg. Detachment, or Bat. of Regt.

* Here insert briefly the nature and object of the suit, and the name of the adverse party or parties.

† Here insert the name, place of residence, cast, and his relationship (if any) to the native officer or soldier.

‡ As the case may be.

FORM No. 2.

To

Register of the Court of :

SIR,

In conformity with Clause Third, Section III, Regulation VIII, 1817, I have the honour to transmit to you a power of attorney duly executed in my presence by A. B. son of C. D. of the cast of inhabitant of Officer or Sepoy [as the case may be,] of the Battalion Regiment.

I am,
Sir, &c.

———,

Comg. Bat. Regt.

FORM No. 3.

To

Commanding the Battalion Regt.
at

SIR,

In conformity with Clause Second, Section IV, Regulation VIII, 1817, I have the honour to transmit to you the copy of a plaint filed in case No. in this Court, by against stated to be an officer [or sepoy] in the Corps under your command, together with a notice, which I request you will cause to be served on the said . You are requested to acknowledge the receipt of the notice, and to inform the Court whether it has been duly served on the above-named , or to state the reasons which may have prevented its being served on him.

I am,
Sir, &c.

———,

Judge Dewanny Adawlut.

FORM No. 4.

To

Register,

Zillah, or City, or Provincial Court.

SIR,

In conformity with Clause First, Section V, Regulation VIII, 1817, I have the honour to inform you, that the bearer of this letter A. B. son of C. D. of the cast of , inhabitant of , Officer or Sepoy of the Battalion Regiment, &c. has obtained permission to be absent from his Corps for the period of months, for the purpose of instituting [or defending] a suit in the Zillah or Provincial Court of

I am,

Sir, &c.

,

Comg. Bat. Regt

FORM No. 5.

To

Commanding Officer of the Bat. Regt.

SIR,

I have the honour to inform you that the right of [A. B.] in the village [or estate] of , is about to be sold on account of arrears of public revenue for the year

In conformity with Clause First, Section IX, Regulation VIII, 1817, I herewith enclose a written notice to be communicated to , said to be an Officer [or Sepoy] in the Corps under your command, and who is alleged to be the proprietor [or sharer] of the village or estate in question.

You are requested to acknowledge the receipt of this letter, and to state, on what day the notice may have been communicated by you to the said , or the circumstances which may have rendered it impracticable to make such communication.

I am,

Sir, &c.

Dewanny Adawlut, Judge.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay*, in the Year 1817.—No. I to VII.

A. D. 1817. REGULATION I.

A REGULATION for annexing to the Zillahs of Kaira and Surat, the Pergunnahs Tuppa and Villages in Guzerat, formerly composing part of the territories of His Highness the Guycowar, and ceded to the Honourable East India Company in exchange for the Pergunnah of Beejapoor.—Passed by the Right Honourable the Governor in Council, on the 23d April 1817, corresponding with the 7th Vaisack Sood Sumbut, or Vekramajet Era 1873; Salbahan 1739; and 5th Jumadeeool Akhir 1232 of the Hijeree.

Preamble.

WHEREAS the Pergunnah of Cupperwunge, Tuppa of Bahlej, Villages of Sundana, Antrooly, Vasne, and Kurnej, north of the River Myhie, and the Pergunnah of Currode, south of the River Tapee, have been ceded to the Honourable the East India Company in full sovereignty by His Highness the Guycowar, in exchange for the Pergunnah of Beejapoor, north of the Myhee: and whereas it has been judged advisable to annex such part of the cession which is situated north of the River Myhie to the Zillah of Kaira, and such part thereof as is situated to the south of the River Tapee to the Zillah of Surat, the following rules have been enacted.

The Pergunnah of Cupperwunge, Tuppa of Bhalej, and villages of Sundana, Antrooly, Vasne, and Kurney, annexed to Kaira, and the Pergunnah of Currode to Surat, and the laws and regulations extended to them.

II. The Pergunnah of Cupperwunge, Tuppa of Bahlej, and Villages of Sundana, Antrooly, Vasne, and Kurney, situated north of the River Myhee, shall be annexed to the Zillah of Kaira, and the Pergunnah of Currode, situated south of the River Tapee, shall be annexed to the Zillah of Surat, and the Laws and Regulations established for the internal administration of those Zillahs are hereby declared to be in full force and effect in the afore-mentioned cession from the 5th of June 1816, being the date from which the authority of the British Government has effect in those territories.

Civil Courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 5th June 1801.

III. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in the afore-mentioned Cession, the cause of action in which may have originated previously to the 5th day of June 1804, being a period of twelve years antecedent to the said Cession.

The operation of Regulation III, 1814 limited to 5th June 1816.

IV. The operation of Regulation III. A. D. 1814 is limited to the 5th of June 1816.

Criminal Courts prohibited from taking cognizance of offences committed previously to the 5th June 1816.

V. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territory previously to the 5th day of June 1816, the date of Cession.

A. D. 1817. REGULATION II.

A REGULATION for amending Regulation XIII, of 1815.—Passed by the Right Honourable the Governor in Council, on the 23d of July 1817, corresponding with the 10th First Shravan Sood Sumbut, or Vikramajet Era 1873; Salbahan 1739; and the 8th Ramzan 1232, Hijeree.

WHEREAS it has become necessary to explain and to modify some of the provisons of Regulation XIII, of 1815, the following enactment has been passed.

Articles the produce of the united kingdom exempt from duties.

II. The following are the Articles which under Section III, Regulation XIII, of 1815, are to be exempt from duties, being the produce or manufacture of the United Kingdom, if imported in British Register-ships, or Indian-built ships, trading under the provisions of the Act 55 Geo. 3, cap. 116, viz. Copper, Iron, Steel, Lead, and all other Metals in an unmanufactured or manufactured state, including Cutlery, Table and Kitchen utensils, Trinkets composed wholly or chiefly of Metals, Locks, Bolts and Hinges, Scales and Weights, Clocks, Watches and Timekeepers, Nails of Iron and Copper, Hatchets, Hammers, Saws, and Ironmongery of all sorts, sheet Copper and sheet Iron, Wire of Iron, Brass, Steel, Silver or Gold, Lead in sheets, cast or rolled, Copper Pumps, Mathematical Instruments, Fire Engines, Tin Ware, Shot for fowling, Bellows, Braziery, and generally all others coming under the description of wrought or unwrought Metals.

Section V. Clause First and Second of Regulation XIII, 1815, rescinded.

III. Section V. Clause First and Second, Regulation XIII, of 1815, are rescinded.

$2\frac{1}{2}$ per cent duty to be levied on the articles the produce of the united kingdom.

IV. *First.*—All Articles the produce or manufacture of the United Kingdom, not specified in Section II, (with the exception hereafter stated) on importation at the Port of Bombay, or at Subordinates, shall be charged with a duty of ($2\frac{1}{2}$) two and a half per Cent. to be adjusted according to the provisions established by Regulation VI, of 1799, or any other Regulation in force, being a reduction of 1 per Cent. from the duties payable prior to the promulgation of Regulation XIII, 1815.

And $3\frac{1}{2}$ on those of Foreign Europe.

Second.—All Articles the produce or manufacture of Foreign Europe, (with the exception of Wines and Spirits) on importation at the Port of Bombay, or at Subordinates, on British Register-ships, or Indian built ships trading under the provisions of the Act 55 Geo. III, cap. 116, and other subsequent Acts, shall be reduced from (5) five to ($3\frac{1}{2}$) three and a half per Cent., being the rate of duty levied prior to the promulgation of Regulation XIII, 1815.

Part of Section VII, exempting goodsthat have paid duties at any British port, extended to all goods whether European or other.

V. The provisions of Section VII, as to Goods that shall have paid the established duties at any Port subject to the Company's Government in India not being liable to further duties on their transit from Port to Port within the said Territories, are hereby extended to all Goods, whether European or other, on the production of the prescribed Certificate, and provided such Goods be imported according to the provisions of the Act of Parliament, regulating the direct and circuitous trade between the United Kingdom and India.

The drawback on indigo allowed on the produce of British India generally.

VI. The drawback provided for in Section VIII, Clause First, Regulation XIII, 1815, shall be allowed on Indigo, the produce and manufacture, not only of the Territories immediately dependent on the Presidency of Bombay, but also of British India, generally.

And extended to all goods the produce of Asia.

VII. The drawback provided for in Section X, Regulation XIII, of 1815, is hereby declared to extend to all Goods, the produce or manufacture of any Foreign Settlement in Asia, imported into Bombay or Subordinates, and afterwards exported to the United Kingdom.

Part of Section XII, annulled.

VIII. The concluding sentence of Section XII; viz. " or any established system which may not have yet been promulgated in a Regulation," is hereby annulled.

Regulation to have effect from 1st August 1817.

IX. This Regulation to have effect from the 1st of August 1817.

A Tariff of the Duties on the Trade between the United Kingdom and India, payable at Bombay on the Prime Cost, attested upon Oath, and of the Drawbacks allowed on each Article of Commerce, under this Regulation.

IMPORTS:

	Duties.
Anchors and Grapnels	Free
Articles for Wearing Apparel, not of Woollen manufacture	2½ per cent.
Beads	ditto
Beer	ditto
Bellows	Free
Bird Shot	ditto
Blacking and Brushes	2½ per cent.
Brass Leaf and Orsidue	3½ ditto
Brass Work and Ware	Free
Broad Cloth	ditto
Braziery	ditto
Busts and Figure Heads	2½ per cent.
Camblets	Free
Canes and Rattans	2½ per cent.
Canvas	Free
Carriages and Conveyances	2½ per cent.
Carpets, of Woollen manufacture	Free
Chalk	2½ per cent.
Clocks, Watches, and Timekeepers	Free
Coals	2½ per cent.
Cochineal	3½ ditto
Coffin Furniture	Free
Confectionery and Sweetmeats	2½ per cent.
Copper, of every description	Free
Copper Pumps	ditto
Coral	3½ per cent.
Cordage	Free
Corks	2½ per cent.
Cotton Screws, Iron	Free
Cotton Yarn and Thread	2½ per cent.
Crystal Ware	ditto
Cutlery and Hardware	Free
Cyder and Perry	2½ per cent.
Earthenware	ditto
Eatables	ditto
Empty Bottles	ditto
Engravings, British	ditto
Filtering Stones, ditto	ditto
Flint Stones	ditto
Fire and Garden Engines	Free
Furniture, Household	2½ per cent.
Glass, and Glass-ware of every description	ditto
Gold and Silver Lace	Free
Gold Leaf	ditto
Guns and Pistols	ditto
Gunpowder	2½ per cent.
Hammers, Hatchets and Saws	Free
Horse Hair	2½ per cent.
Jewellery	Free
Iron, of every description, British	ditto
Iron, Swedish or Foreign	3½ per cent.
Iron Butts, Hoops, Rivets and Sheet	Free
Iron Cables	ditto
Iron Chains	ditto
Iron Chests	ditto
Iron Kentledge	ditto
Iron Knees	ditto
Ironmongery, and Iron-work of every description	ditto
Iron, Plate, or Wrought	ditto
Kitchen Utensils	ditto
Lace, British	2½ per cent.
Lace, Foreign	3½ ditto
Lacquered ware, not metal	2½ ditto
Lanterns	Free
Lead, in Sheets, cast or rolled	ditto
Leather, of sorts	2½ per cent.
Lines and Twine	Free
Locks, Bolts, and Hinges	ditto

	Duties.
Mahogany Plank	3½ per cent.
Mangles, or Hackles of Iron	Free
Marble Slabs and Tiles, British	2½ per cent.
Masts, Spars, and Oars, ditto	Free
Mathematical Instruments	ditto
Medicines	2½ per cent.
Musical Instruments	ditto
Nails of Iron or Copper	Free
Oils, British	2½ per cent.
Oils, Foreign	3½ ditto
Ochre	2½ ditto
Opium	3½ ditto
Paint and Paint Brushes	2½ ditto
Perfumery	ditto
Piece Goods	ditto
Pictures, British	ditto
Pimento	3½ ditto
Pitch and Tar, Foreign	ditto
Pitch, British	Free
Plate, and Plated Ware	ditto
Printed Cotton and Calicoes	2½ per cent.
Quicksilver	3½ ditto
Red and White Lead	2½ ditto
Saddlery	ditto
Saffron	3½ ditto
Seeds, of sorts	2½ ditto
Shawls, Woollen manufactures	Free
Ship Chandlery	ditto
Soda Water	2½ per cent.
Spirit of Turpentine	ditto
Stationary and Books	ditto
Steel, British	Free
Steel, Swedish or Foreign	3½ per cent.
Tallow, British	2½ ditto
Timber and Plank	3½ ditto
Tin	Free
Tin Plates and Tin Ware of every description	ditto
Tobacco and Snuff, British manufacture	2½ per cent.
Tobacco Pipes, ditto	ditto
Toys of Iron or Tin	Free
Types	ditto
Trinkets, composed wholly or chiefly of metals	ditto
Turpentine	3½ per cent.
Vegetable Syrup	2½ ditto
Verdigris	ditto
Vinegar	ditto
Weights and Scales	Free
Wire of Iron, Brass, Steel, Silver and Gold	ditto
Wines and Spirits	3½ per cent.

- - - Ditto - - - subject also to the following Duties of Excise under the provisions contained in Regulation I, of 1813, and XI, of 1815, *viz.*

	Excise duty.	Drawback on re-exportation.
On all Wines imported for consumption into the Island of Bombay	Rs. 12 per pipe of 120 galls.	In full.
Wines of every description in bottle, per doz. quarts	Half a rupee	
Cordials, ditto pints	six rupees	
On all Brandies, Rum, Gin, and other description of spirituous liquors, imported as above	Half a rupee per gallon	¼ of a rupee per gallon, if exported before 2 months after date of importation.

EXPORTS:

	Duties.	Drawback.
Alkali	3½ per cent.	1 per cent.
Aloes	ditto	ditto
Arsenic	ditto	ditto
Asafœtida	ditto	ditto
Barilla	ditto	ditto
Brazil Wood	ditto	ditto
Benjamin	ditto	ditto
Buffaloes Horns	ditto	ditto
Camphire	ditto	ditto
Canes and Rattans	ditto	ditto
Cardamoms	ditto	ditto
Cinnamon, Cassia, and Cassia Buds	ditto	ditto
Copal	ditto	ditto
Cloves	ditto	ditto
Coffee	ditto	ditto
Cornelians	ditto	ditto
Cotton, from Guzerat, on a fixed valuation of rupees 120 per Surat Candy	Inland and Sea Customs not to exceed 5 per cent. on these rates.	In full.
Cotton, from Cutch and Scind, rupees 105 per ditto		
Cotton, from Malabar and Canara, rupees 105 per ditto		
Coculus Indicus	3½ per cent.	1 per cent.
Eatables	ditto	ditto
Ebony Wood	ditto	ditto
Elephants' Teeth	ditto	ditto
Fans	ditto	ditto
Galls	ditto	ditto
Gamboge	ditto	ditto
Ginger	ditto	ditto
Galangall	ditto	ditto
Gums and Drugs	ditto	ditto
Hemp and Sunn	ditto	ditto
Indigo, British Territories	ditto	In full.
Indigo, Native States	ditto	ditto
Jewellery	ditto	ditto
Lac, of sorts	Free.	
Mace	3½ per cent.	1 per cent.
Mother of Pearl Shells	ditto	ditto
Madder	ditto	ditto
Musk	ditto	ditto
Myrrh	ditto	ditto
Nankeens	ditto	ditto
Nutmegs	ditto	ditto
Oils, of sorts	ditto	ditto
Olibanum	ditto	ditto
Pearls and Precious Stones	Free.	
Pepper	3½ per cent.	1 per cent.
Piece Goods	ditto	ditto
Raw Silk	ditto	ditto
Rhubarb	ditto	ditto
Rose Water	ditto	ditto
Sago	ditto	ditto
Sandal Wood	ditto	ditto
Saltpetre	ditto	ditto
Seeds, of sorts	ditto	ditto
Sea-Cow, and Sea-Horse Teeth	ditto	ditto
Senna	ditto	ditto
Shawls	ditto	ditto
Sugar	ditto	ditto
Timber and Plank	ditto	ditto
Tin	ditto	ditto
Tortoise Shell	ditto	ditto
Turmeric	ditto	ditto
Wax	ditto	ditto
Wines and Spirits	ditto	ditto

The following Articles subject also to Town Duty under the provisions contained in Regulations I, of 1803, and I, of 1810:—

	Duties.	Drawbacks.
Cotton, per Surat Candy	One Rupee,	In full.
Oil, (except that in use for culinary purposes,) Shawls, Sugar, Piece Goods, China Silks, Nankeens, Rose Water, Sandal Wood, Saltpetre, Black Pepper, Cardamums, Mace, Cloves, Nutmegs, Cinnamon and Cassia	4 per cent.	In full.

Errata.—In Section XI, Regulation XIII, of 1815, for "Clause VIII, Section "III, Regulation VI, of 1799, Clause V, Regulation I, of 1803, and Clause X, "Regulation I, of 1805;" read Section VIII, Clause III, Regulation VI, of 1799; Section V, Regulation I, of 1803; and Section X, Regulation I, of 1805.

A. D. 1817. REGULATION III.

A REGULATION to explain and amend Regulation IX, 1815, made by the Right Honourable the Governor in Council on the 6th of September 1815, respecting a certain tax on houses on the Island of Bombay, situated beyond the limits of the Town, and on the Island of Coolaba; which tax was imposed by the Order and under the Authority of the Right Honourable the Governor in Council, on the 20th January 1813, and confirmed by the Statute of the 54 Geo. III. c. 105:—Passed by the Governor in Council, on the 30th July 1817, corresponding with the 2d First Shravan Vud, Sumbut or Vikramajet Era, 1873, Salbahan 1739, and the 15th Ramzan, 1232 Hijeree.

Preamble. WHEREAS by a Statute passed in the 54th year of His present Majesty King George the Third, intituled, "An Act to remove doubts as to the duties and taxes heretofore imposed and levied under the authority of the several Governments in the East Indies," it is enacted, that all duties, customs, and other taxes heretofore made or imposed, as well upon British subjects as foreigners, and other persons whomsoever, by the orders or under the authority of the Governor in Council of Bombay, within the Town and Island of Bombay, and upon all persons whomsoever, resident or being therein, and in respect to all goods, wares, merchandizes, commodities and property whatsoever, also being therein, and also upon all persons whomsoever, whether British-born or foreigners, resident or being in any country or place within the authority of the said Government, and in respect of all goods, wares, merchandizes, commodities and property whatsoever, being in any such country or place; and also all orders and regulations for the imposition, levying, raising or recovering any such duties of customs or other taxes, or in any way relating thereto, and all fines, penalties and forfeitures heretofore imposed or levied by or under the authority of such Governor in Council, for the non-payment of such duties or taxes, or for the breach of any laws or regulations theretofore made by such Governor in Council, respecting such duties and taxes, shall be and the same are thereby confirmed, and shall be deemed to be as valid and effectual, to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations and usages under which any such duties, taxes, fines, penalties and forfeitures have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an Act, made in the last session of Parliament, intituled, "An Act for continuing in the East India Company for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter," any Act or Acts of Parliament or law to the contrary thereof, in anywise notwithstanding; and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered; and all penalties and forfeitures for any breach of any such rules and regulations, in relation to any such duties and taxes, shall and may be sued for, recovered and enforced under the provisions of the said recited Act, as fully and effectually as if the same had been imposed, made, incurred or arisen after the passing thereof: And whereas by the said recited Act the Governor in Council may make laws and regulations respecting such duties and taxes, and impose fines, penalties, and forfeitures for the non-payment of the same, or for the breach of such laws and regulations: And whereas a tax of five per cent. on the annual rent of all dwelling-houses on the Islands of Bombay and Coolaba, situated beyond the limits of the Town of Bombay, was imposed by the orders and under the authority of the said Governor in Council, on the 20th of January 1813: And whereas it is necessary to explain and amend Regulation IX, 1815, for the collection of the tax aforesaid, the following Regulation is accordingly made by the Right Honourable the Governor in Council, and from and after the publication of this Regulation the aforesaid tax shall be assessed, levied and paid, according to the rules and provisions herein prescribed, any thing in any former Regulation to the contrary in anywise notwithstanding.

Tax by whom to be collected. II. The tax shall be collected annually by the collector of Bombay.

III. An

An assessor to be appointed by Government.

III. An assessor shall be appointed by the Governor in Council, who shall make an assessment on dwelling-houses of every description on the Island of Bombay, beyond the limits of the Town of Bombay, and on the Island of Coolaba, save and except those hereafter excepted by this Regulation, the annual rent or value of which shall be estimated by the said assessor at twenty rupees and upwards, at the rate of five per cent. on such annual rent or value; and where two or more houses, the annual rent or value of each or either of which shall be estimated by the said assessor below twenty (20) rupess, shall belong to the same owner, the said assessment shall be made at the rate above stated on the aggregate annual rent or value of such houses, provided the said aggregate annual rent or value shall amount to twenty rupees and upwards.

Rate of assessment.

Religious edifices exempted from the the tax.

IV. All religious edifices are hereby declared to be exempt from the payment of the said tax.

Temporary dwellings occupied by the military, within the limits of cantonments exempted.

V. All temporary houses, bungalows, or other temporary buildings, situated within the limits of military cantonments, and occupied by European and Native Officers, or by the soldiers and sepoys of His Majesty's and the Company's army, shall be exempted from the payment of the said tax.

Houses unoccupied for three months and upwards, allowed a proportional abatement.

VI. Owners of houses which shall be unoccupied or uninhabited for three successive months or upwards in any year shall, on proof of the same to the assessor, be allowed a proportional abatement of the assessment on the said houses for the said year; such abatement to be refunded at the end of the year, or carried to the credit of the following year's assessment on the said houses, at the option of the owner.

Native receivers to collect the tax to be appointed on giving security.

VII. The collector of Bombay shall appoint a native receiver or receivers to collect the tax annually, according to the assessment; and no person shall be capable of holding the said office of receiver till he shall have given such security for the due performance of his office as the said collector shall require.

Oath to be administered to the assessor and receivers.

VIII. *First.*—The assessor and receivers of the said tax, previously to entering upon the execution of their several duties, shall respectively take and subscribe the following oath:

" I, A. B. appointed to assess [*or collect*] the house-tax for the Island of Bombay, beyond the limits of the town, and for the Island of Coolaba, do swear, that I will assess [*or collect*] the tax on the houses of the said Islands, beyond the limits of the said town, fairly and impartially, according to the rules prescribed in this Regulation, and that I will make a true return of the same [*pay over and render a true account of the same*] to the collector of Bombay.

Declaration to be made by the receivers, if exempted by rank or caft from taking an oath.

Second.—If any person appointed to be a receiver should be of a rank or cast to entitle him to an exemption from taking an oath, he shall make and subscribe a solemn declaration to the same effect.

IX. The Assessor shall annually make and return to the collector of Bombay a new assessment on all the houses of the islands of Bombay and Coolaba, situated beyond the limits of the town, and not excepted by this Regulation, as early as practicable in each year; and public notice shall be given immediately after the assessment is made and returned as aforesaid, that the Assessor's books are open to public inspection for the period of one month from the publication of the said notice at the office of the collector of Bombay.

Appeal to lie to the Court of Petty Sessions.

X. Any person who may be dissatisfied with the assessment made on his house or houses by the Assessor shall be at liberty to appeal to the Court of Petty Sessions; which Court is hereby authorized and required to confirm or reduce the said assessment in such manner as to them may appear to be equitable and just, and to certify the same to the collector of Bombay, who is to recover the amount so confirmed or reduced accordingly.

Appeals to be made by petitions.

Time for prefenting them fpecified.

XI. All appeals to the Court of Petty Sessions must be made by petitions in writing during the month in which the Assessor's books lie open for public inspection at the collector's office as aforesaid, and no further time shall be allowed for the presenting or receiving such appeal.

The collector authorized to levy the tax

XII. The tax shall be collected by the native Receivers; and the said Receivers shall furnish the owner of the house or houses so assessed with a receipt for the

by distress, in case of non-payment.

amount of the said assessment, signed by the collector of Bombay; and in case of non-payment of the said assessment, or any arrears thereof, within eight days after demand of the same, the collector of Bombay is hereby authorized and required to levy the same, by warrant under his hand and seal, by distress and sale of the offenders goods and chattels, and the overplus of the money raised, after deducting the penalty and expenses of distress and sale shall be rendered to the owner.

Overplus of the sale of effects to be rendered to the owner.

The tax to be exclusively appropriated to the repairs of the roads, &c.

Plans and estimates to be prepared by the Court of Petty Sessions, and submitted to Government.

XIII. This tax shall be exclusively appropriated to the purposes of watching, repairing, and cleaning the streets of the towns or villages situated beyond the limits of the town of Bombay; for the construction of drains; and for rendering the habitations of the natives in other respects healthy and comfortable. The plans and estimates of the improvements which may be necessary for these purposes being in the first instance prepared under the superintendence of the Court of Petty Sessions, and submitted to the consideration and approval of the Governor in Council.

XIV. *First.*—The following form of the warrant is to be observed in levying the tax by distress:

Form of Distress Warrant.

" Whereas in and by an assessment, made and assessed according to the Regulations in that case made and provided, on the owners of houses and buildings on the Island of Bombay, situated beyond the limits of the town of Bombay and on the Island of Coolaba, owner of house situate at beyond the limits of the said town, was duly rated and assessed for this present year in the sum of rupees being one twentieth part of the annual rent or value of the said house which he is the owner of as aforesaid: and whereas it duly appeareth, that the said sum of rupees has been lawfully demanded of the said by the space of eight days past and upwards, and that the said hath refused, and doth refuse, to pay the same; these are therefore to require you forthwith to make distress of the goods and chattels of him the said And if within the space of eight days next after such distress by you taken the said sum, together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, that you detain the said sum of rupees and also your reasonable charges of taking, keeping, and selling the said distress; rendering to him the said the overplus (if any be) on demand; and you are hereby commanded to certify to me what you shall do by virtue of this my warrant. Given under my hand and seal this day of in the year of our Lord 18

Collector of Assessment beyond the limits of the town."

Second.—The following certificate is to be affixed to the back of the warrant:

Certificate to be affixed to the warrant.

" This is to certify, that the sum of rupees being the twentieth part " of the annual rent or value of the house situate at beyond the " limits of the town, hath been demanded of the within-named by " the space of eight days and upwards, and that he hath refused, and doth refuse, to " pay the same, wherefore this warrant is issued to levy the amount.

" Bombay Collector's Office, 18

Collector of Assessment beyond the limits of the town."

Instruction for the native receiver to be also affixed.

Third.—The following Instruction is to be also affixed to the warrant, and addressed to the native Receiver, who is to execute it:

" You will proceed in execution of this warrant against and " should the party, on your proceeding to execution, tender payment of the amount " due by him as above specified, you will receive the same, and return this warrant " to me without further proceedings.

" Given under my hand and seal this day of one thousand " eight hundred and

(*Signed*) A. B.
Collector of Assessment beyond the limits of the town."

XV. The following is the form of the notice to be published of the assessment having been made, and of the return thereof being open for one month, for public inspection, at the office of the collector of Bombay:

Form of notice of the assessment having been made, and of the assessor's books being open for inspection.

NOTICE IS HEREBY GIVEN,

That the Assessor's book for the Island of Bombay beyond the limits of the town, and for the Island of Coolaba, containing the assessment on houses, made and assessed according to Regulation now lies open at the Bombay Collector's Office, and may be inspected from the of to the of by all persons concerned, every day (Sundays excepted) during the usual hours of business.

And notice is hereby further given, that no appeals against the said assessment will be received after the said of next; on or before which day a written statement of every appellant's case must be forwarded to the Court of Petty Sessions: in failure whereof the assessment will be enforced according to the provisions of the Regulation aforesaid.

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XVI. And whereas the assessment for the years 1816 and 1817 has been irregularly made, and requires to be reviewed and corrected, it is hereby enacted, that the Assessor shall forthwith make a new assessment for the said years, according to the rules prescribed in this Regulation; and as soon as the said assessment shall have been made, and returned to the office of the collector of Bombay, notice shall be given, and published according to the form prescribed in this Regulation, that the said books are and will continue open for public inspection for the space of one calendar month from the publication of the said notice; during which time all persons complaining of the said assessment shall be at liberty to appeal to the Court of Petty Sessions as already provided for; and all sums of money hitherto received by the collector of Bombay, on account of the said tax, shall either be refunded by the said collector to the persons who have respectively paid the same, or carried to the credit of the said respective parties for the said assessment so reviewed and corrected according to the provisions of the present Regulation.

A new assessment the years 1816 a 1817 to be made.

A. D. 1817. REGULATION IV.

A REGULATION for authorizing the levy of certain fees in the Court of Petty Sessions, and in the Offices of the Magistrates of Police; made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India; and passed by the Governor in Council on the 6th day of August 1817, corresponding with the 9th First Shravan Vud, Sumbut or Vikramajet Era 1873; Salbahan 1739; and the 22d Ramzan, 1232 Hijeree.

WHEREAS it has been deemed expedient for the better support of the present system of Police, and for the discouraging of frivolous complaints, that certain fees or duties shall be levied in the Court of Petty Sessions, and in the offices of Magistrates of Police; be it therefore ordained, by the authority of the Right Honourable the Governor in Council with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, that there shall be assessed, raised, levied and paid, the fees or duties contained in the following schedule, that is to say—

Preamble.

	Rs.	qr.	rs.
II. For every complaint instituted, when filed in the offices of the Magistrates of Police - - - - - - - - - -	0	2	0
For every complaint instituted, when filed in the Court of Petty Sessions - - - - - - - - - - - - -	1	0	0
For summoning each party to answer before the Magistrates -	0	1	0

Rate of Fees to be paid in the offices of the magistrates of police and Court of Petty Sessions.

	Rs.	qr.	rs.
For summoning each party to answer before the Court of Petty Sessions	0	2	0
For summoning each witness to attend in the office of the Magistrates; and for each person sworn, if the fee for summoning has not been paid	0	0	50
For summoning in the Court of Petty Sessions; and for each person sworn, if the fee for summoning has not been paid	0	1	0
For every recognizance for keeping the peace	2	2	0
For every reference of any subject in dispute to a Cazee, Muckadum of a cast, or other person or persons	1	0	0
For every confirmation, or decision on the report given on such cases	0	2	0
For every arbitration bond executed in the English or country languages	2	2	0
For every voluntary affidavit	1	0	0
For granting each certificate to the Commanders of ships on their arrival at and departure from the Port of Bombay, payable on the delivery of the role d'equipage of their vessels	5	0	0
For every commission to a Patel, Mukedum, or Choglas of a cast	1	0	0
For every passport issued by the senior Magistrate to Europeans	2	0	0

On what occasions the fees may be dispensed with.

III. Where the parties are unable to pay the expense of entering a complaint, or the charge of a summons, or other fee mentioned in the said table, the same shall not be levied; the Magistrate signing in the complaint-book, to be kept in the office, an entry containing the reason of such remission.

To be received by the clerk to the Court of Petty Sessions or other persons to be appointed by him.

IV. The Clerk of the Petty Sessions for the time being shall receive the whole fees above mentioned, and is hereby authorized and empowered himself to receive them, or to appoint, at each office of Police, some proper person, who shall receive the sums levied under this Regulation, and who shall be accountable to him for all such sums.

The clerk to the Court of Petty Sessions to furnish the Court and Government half yearly with an account; and to pay the balance into the Treasury for the benefit of the county fund.

V. The Clerk of the Petty Sessions shall, half yearly, on the 1st day of January and the first day of July, furnish the Court of Petty Sessions with an account of the sums levied for the half year preceding, and pay the balance of such account into the hands of the Sub Treasnrer for the benefit of the County fund; and the said Clerk of the Petty Sessions shall lay the said accounts before the Governor in Council, or His Majesty's Justices, whenever required.

Date from which this Regulation to have effect.

VI. This Regulation is to have effect from the 1st of October 1817.

A. D. 1817. REGULATION V.

REGULATION for the levying and enforcing the payment of certain taxes on carriages and riding-horses; for the repair of the roads situated beyond the limits of the Town of Bombay; and for the construction of such others as may be necessary; made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:—and passed by the Governor in Council on the 6th day of August 1817, corresponding with the 9th First Shravan Vud, Sumbut or Vikramajet Era 1873; Salbahan 1739; and the 22d Ramzan, Hijeree.

Preamble.

WHEREAS by a statute passed in the 54th year of His present Majesty King George the Third, intituled "An Act to remove doubts as to the duties and taxes heretofore imposed and levied, under the authority of the several Governments in the East Indies," it is enacted, that all duties of customs and other taxes heretofore made or imposed, as well upon British subjects as foreigners and other persons whomsoever, by the orders or under the authority of the Governor in Council of Bombay, within the Town and Island of Bombay, and upon all persons whomsoever resident or being thereon, and in respect to all goods, wares, merchandizes, commodities and property whatsoever also being therein, and also upon all persons whomsoever, whether British-born or foreigners, resident or being in any country or place within

within the authority of the said Government, and in respect of all goods, wares, merchandizes, commodities and property whatsoever, being in any such country or place, and also all orders and regulations for the imposition, levying, raising or recovering any such duties of customs or other taxes, or in any ways relating thereto; and all fines, penalties and forfeitures heretofore imposed or levied by or under the authority of such Governor in Council for the non-payment of such duties or taxes, or for the breach of any laws or regulations theretofore made by such Governor in Council, respecting such duties and taxes, shall be, and the same are thereby confirmed, and shall be deemed to be as valid and effectual to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations and usages under which any such duties, taxes, fines, penalties and forfeitures have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an Act, made in the last Session of Parliament, intituled "An Act for continuing in the Eas India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the Trade to and from the places within the limits of the said Company's Charter," any Act or Acts of Parliament, or Law, to the contrary thereof in anywise notwithstanding; and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered; and all penalties and forfeitures for any breach of any such rules and regulations, in relation to any such duties and taxes, shall and may be sued for, recovered and enforced under the provisions of the said recited Act, as fully and effectually as if the same had been imposed, made, incurred or arisen after the passing thereof: And whereas by the said last recited Act the Governor in Council may make laws and regulations respecting such duties and taxes, and impose fines, penalties and forfeitures for the non-payment of the same, or for the breach of such laws and regulations: And whereas a tax on wheeled carriages was established on the Island of Bombay, on the 9th of April 1784, by the Governor in Council for the time being, on the recommendation of His Majesty's Justices of the Peace, by which each and every vehicle of pleasure, whether running on four or two wheels, was taxed at rupees six per annum; and if kept for hire, at twelve rupees per annum; and each and every cart or carriage kept for goods, merchandize, and other purposes of the same nature, was taxed at rupees four per annum: And whereas by an Order of the Honourable the Governor in Council of Bombay, published on the seventeenth day of December one thousand eight hundred and eight, the aforesaid rates of tax on chariots, coaches, phætons, curricles, buggies, bullock-hackeries and labour-carts, were modified, and ordered to have effect, and to be levied from the first day of January one thousand eight hundred and nine, at the following rates; viz.

	Rupees, per annum.
On each Chariot - - - - - - -	20
- - - Coach - - - - - - -	20
- - - Phæton - - - - - - -	20
- - - Curricle - - - - - - -	10
- - - Buggy - - - - - - -	10
- - - Bullock-Hackery, on two Wheels - - -	15
- - - Labour-Cart - - - - - -	5
- - - Single horse pleasure-Hackery - - -	15

And whereas by the said Order of the Honourable the Governor in Council, published on the said 17th day of December 1808, a tax was also imposed on horses at the following rate, viz.

	Rupees per annum.
Each and every riding-horse, with the exception of one riding-horse for each military officer - - - - - -	6

And whereas in consequence of the great improvements lately made in the public roads of the Island, and the construction of new roads, the produce of the aforesaid taxes has proved inadequate to the construction, improvement, and repair of the said roads, insomuch that it has become necessary, for the purposes aforesaid, to augment the aforesaid taxes, and to cause them to be levied at the rates hereinafter specified: And whereas it is expedient to impose certain fines, forfeitures and penalties for the non-payment of such duties and taxes; and also to provide for the appropriation of the said tax to the repairs and improvement of the public roads on the Island, in manner

manner hereinafter mentioned:—The Right Honourable the Governor in Council has made the following Regulation, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:

Rates of tax to be levied on carriages, hackeries and riding-Horſes.

II. There shall be assessed, raised, levied and paid

	Rupees per annum.
On each and every four-wheel Carriage - - -	40
- - - - - - two-wheel Carriage - - - -	30
- - - - - - single horse pleasure-Hackery - -	20
- - - - - - bullock-Hackery - - - -	15
- - - - - - labour-Cart - - - - -	5
- - - - - - riding-horse, with the exception of two riding-horses for each military officer	6

The engineer of the Court of Petty Seſſions appointed aſſeſſor.
To be collected by the collector of Bombay.

III. The engineer officer attached to the Court of Petty Sessions shall be the assessor under this Regulation, and the tax shall be collected by the collector of Bombay quarterly, and paid into the Treasury as soon as received, subject to the appropriation hereinafter specified.

To be collected according to liſts in writing of the No. of horſes, hackeries and carts.

IV. The foregoing rates of tax shall and may be assessed, levied and collected according to lists in writing of the number of horses, carriages, hackeries, and carts liable to the said duties, which shall be kept or used by any person or persons whatever; which lists shall be returned quarterly by the assessor for the time being to the Collector; and all persons liable to the said tax are hereby required to make a true return of all their horses, carriages, hackeries, and carts liable to the said duties to the said Assessor when required by him to do the same: and if any person shall fail to make a true return when so required, or shall voluntarily omit any horse or horses, carriage or carriages, hackery or hackeries, cart or carts, in such return as shall be made by him, then and in such case it shall and may be lawful for the said Assessor, and he is hereby required to surcharge every person keeping or using such horse or horses, carriage or carriages, hackery or hackeries, cart or carts, which shall not have been included in such return; which said surcharge shall be made after the rate of double the aforesaid duty for every carriage, horse, hackery or cart so omitted; and in case of non-payment of the said surcharge, or of the said assessment of the said duties or taxes, or any arrears thereof, within eight days after demand, the Collector of the revenues of Bombay is hereby authorized and required to levy the same, by warrant under his hand and seal, by distress and sale of the offender's goods and chattels; and the overplus of the money raised, after deducting the penalty and expenses of the distress and sale, shall be rendered to the owner.

The owners to make a return.

Puniſhment on failure.

The mode of recovery.

Owners ſelling any horſes, &c. to be allowed an abatement.

V. The owner of any horse or horses, carriage or carriages, hackery or hackeries, cart or carts, who may sell, give away, or otherwise divest himself, bona-fide, of the property in any horse, carriage, hackery or cart, included in his quarterly return to the Assessor, as required by the fourth section of this Regulation, shall, on making a true statement of such divesture to the said Assessor, on or before the next quarterly assessment, be allowed a proportional abatement of the assessment made on such horse, carriage, hackery or cart, for the aforesaid quarter in which he shall have so disposed of the same; and any person neglecting to make such statement during the period aforesaid shall be and is hereby declared liable to the whole assessment on such horse, carriage, hackery, or cart, for the said quarter in which he shall have so included them in his quarterly return to the Assessor; and all persons making false returns of divesture aforesaid shall be liable to be surcharged after the rates prescribed in the preceding section.

The collector to keep a diſtinct account of his collections, and to lay the ſame before the Court of Petty Seſſions; to be appropriated to the repair and improvement of the public roads.
The Court of Petty Seſſions to lay before Government, plans and eſtimates of improvement, and to

VI. And the said collector is hereby required to keep a distinct and separate account of all monies so by him collected and paid into the treasury, under the title or head of "THE ROAD ASSESSMENT FUND," and of all monies paid, laid out, and expended on the construction, improvement of repair of the public roads, and to lay the same annually, and as often further as may be required, before the Court of Petty Sessions; and the said Court is hereby authorized and required from time to time to lay before the Governor in Council, for their approbation and consent, such plans of improvement in the aforesaid public roads, with estimates of the expense of executing them, as they may think necessary; and immediately after the said plans and estimates of improvement so submitted to the Governor in Council shall receive the consent and approbation of the Governor in Council, the said Court of Petty Sessions is hereby

hereby authorized and required to carry the said plans into effect, and to make such order on the said Collector for the disbursement of such sum or sums from the said road-assessment fund, as the said improvements may require; and the said Court of Petty Sessions is hereby further required to report to the Governor in Council all such repairs, amendments, alterations, constructions, or improvements, of all such roads, and of the expenditure of all such money as aforesaid.

carry the same into effect, and to make a report to Government.

VII. And it is hereby further ordained, that the whole of the said taxes so to be levied and paid as hereinbefore provided, shall be exclusively applied to the repair, and amendment and construction of the public roads on the island situated beyond the limits of the town of Bombay, under the inspection and subject to the control of the Court of Petty Sessions as aforesaid; provided always, that the said Court shall not be empowered to sanction the expenditure of any sum or sums of money under this Regulation beyond the established charges of the department, without the previous sanction of the Governor in Council.

Purposes to which the taxes are appropriated.

VIII. The following form of the warrant is to be observed in levying the warrant by distress:

Form of warrant in levying the warrant by distress.

First.—Whereas in and by an assessment, made and assessed according to the Regulation in that case made and provided, on the owners of horses, carriages, hackeries, and carts on the islands of Bombay and Coolaba, A. B. was duly rated and assessed for the quarter of the current year, in the sum of rupees being one fourth of the gross annual assessment on his of which he is the owner as aforesaid: and whereas it duly appeareth that the said sum of rupees hath been lawfully demanded of the said A. B. by the space of eight days past and upwards, and that the said A. B. hath refused, and doth refuse, to pay the same, these are therefore to require you forthwith to make distress of the goods and chattels of him the said A. B. and if within the space of eight days next after such distress by you taken the said sum, together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you detain the said sum of rupees and also your reasonable charges of taking, keeping, and selling the said distress, rendering to him the said A. B. the overplus (if any be) on demand; and you are hereby commanded to certify to me what you shall do by virtue of this my warrant.—Given under my hand and seal this day of in the year of our Lord 18

Collector of Bombay.

Second.—The following certificate is to be affixed to the back of the warrant:

Certificate to be affixed to it.

This is to certify, that the sum of rupees , being the amount rated and assessed for the quarter of the current year on a of which A. B. is the owner, hath been demanded of the within-named A. B. by the space of eight days past and upwards, and that he hath refused, and doth refuse, to pay the same, wherefore this warrant is issued to levy the amount.

Bombay Collector's Office,
18

Collector of Bombay.

Third.—The following instruction is to be also affixed to the warrant, and addressed to the person who is to execute it:

Instruction to be affixed to it.

You will proceed in execution of this warrant against A. B. and should the party, on your proceeding to execution, tender payment of the amount due by him as above specified, you will receive the same, and return this warrant to me without further proceedings.

Given under my hand and seal this day of one thousand eight hundred and

Collector of Bombay.

IX. This Regulation is to have effect from the 1st of October 1817.

Date from which this Regulation to have effect.

A. D. 1817. REGULATION VI.

A REGULATION for annexing to the Zillahs of Salsette, Broach and Kaira respectively, the Territories in the Concan and Suoba or Province of Guzerat, formerly composing part of the Possessions of His Highness the Paishwa, which have been ceded to the Honourable East India Company; and for extending the Regulations applicable to the Zillah Courts in Guzerat, to the Zillah of Salsette.—Passed by the Right Honourable the Governor in Council, on the 27th August 1817, corresponding with the 1st Second Shravan Vud, Sumbut or Vikramajet Era 1873; Salbahan 1739; and the 13th Shaval 1232 Hijeree.

Preamble.

WHEREAS by a Treaty concluded at Poona on the 13th day of June 1817, and ratified by His Excellency the Most Noble the Governor General in Council at Calcutta, on the 5th of the following month of July, His Highness Row Pundit Purdhan Bahadaur has assigned and ceded in perpetuity to the Honourable East India Company, all the Territories and Rights in the Districts of Bailapoor, Autgong and Cullian, and all the Territories possessed by His Highness situated to the North of those Districts, as far as Guzerat, and lying between the Ghauts of the Syadree Mountains and the Sea; and all the Rights and Territories possessed by His Highness in Guzerat, with the exception of Ahmedabad, and Oolpar, and the annual payment due by the Guycowar: And whereas it has been judged advisable to annex these Territories to those Zillahs which from their vicinity can most conveniently exercise a jurisdiction over the new Cessions: and whereas it has been expedient to extend the Regulations for the Zillahs of Surat, Kaira, and Broach, to the Cessions aforesaid, the following Rules have been passed:

Cessions in the Northern Concan annexed to the Zillah Court of Salsette.

To be denominated the zillah of the Northern Concan, and form a separate collectorship.

II. *First.*—The districts of Bailapoor, Autgong and Cullian, and all the Territories situated to the North of those districts, as far as Guzerat, and lying between the Ghauts of the Syadree Mountains and the Sea, shall be annexed to the Zillah Court of Salsette, to be denominated the Zillah of the Northern Concan, and be constituted also a separate Collectorship.

The Regulations of 1799, which apply exclusively to Salsette, annulled.

The Laws and Regulations to have effect in the Northern Concan from the 5th of June 1817.

Second.—The Regulations of A. D. 1799, which apply exclusively to the Zillah Court of Salsette, are hereby annulled; and the Laws and Regulations established for the administration of Justice in the Zillahs of Surat, Broach and Kaira, are declared to be in full force and effect within the Zillah of the Northern Concan, from the 5th of June 1817; being the date from which the authority of the British Government has effect in the new Cessions.

Jumboosier, Ahmood, Dejbara, Dubhoy, and Bahadurpoora, annexed to the zillah of Broach.

And the pergunnah of Sowlee to the zillah of Kaira.

The laws of Regulations to have effect from the 5th June 1817.

III. The Pergunnahs of Jumboosier, Ahmood, Dejbara, Dubhoy and Bahadurpoorah shall be annexed to the Zillah of Broach; and the Pergunnah of Sowlee, situated on the left bank of the River Muhee, shall be annexed to the Zillah of Kaira; and the Laws and Regulations established for the internal administration of those Zillahs are hereby declared to be in full force and effect in the afore-mentioned part of the Cessions situated in the Suoba or Province of Guzerat, from the 5th of June 1817.

Civil claims originating prior to the 5th of June 1805, not cognizable by the Civil Courts.

IV. The Courts of Civil Judicature shall not be deemed competent to take cognizance of Civil claims in any part of the above-mentioned Cessions, the cause of action in which may have originated previously to the 5th day of June 1805, being a period of twelve years antecedent to such Cessions.

Operation of Regulation III, 1814, limited to the 5th June 1816.

V. The operation of Regulation III, A. D. 1814, is limited to the 5th day of June 1816.

Crimes committed previous to the 5th June 1817, not cognizable by the Criminal Courts.

VI. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence, which may have been committed in any part of the aforesaid territories, previously to the 5th day of June 1817, the date of Cession.

A. D. 1817. REGULATION VII.

A REGULATION for preventing the clandestine importation and sale of Tobacco, Ganza and Snuff, in the Islands of Bombay, Colaba, and Old Woman's Island; and for licensing the retailers thereof.—Passed by the Right Honourable the Governor in Council on the 27th of August 1817, corresponding with the 1st Second Shravan Vud, Sumbut or Vekramajet Era 1873; Salbahan 1739; and the 13th Shaval 1232 Hijeree.

Preamble.

WHEREAS by an order of the Governor in Council of Bombay, dated 20th October 1810, the following duties were imposed on all tobacco, ganza and snuff, imported into the Town and Island of Bombay from thenceforward, in addition to and exclusive of the established three and a half per-centum customs of the port on the prime cost of these articles respectively, that is to say, on all tobacco, rupees (10½) ten and a half per Bombay maund; on Ganza, rupees (87) eighty seven per Bombay maund, and on snuff (of foreign manufacture) rupees (1) one per pound; which said several duties were and are confirmed by the statute of the 54 Geo. III, Cap. 105, intituled, "An act to remove doubts as to duties and taxes heretofore im-"posed and levied under the authority of the several Governments in the East "Indies:" And whereas it is lawful for the Governor in Council to make Laws and Regulations respecting such duties, and to impose fines, penalties and forfeitures for the non-payment of such duties, or for the breach of such Laws or Regulations: And whereas, notwithstanding the Regulations already made to prevent the unlawful importing, and clandestine landing and running of tobacco, ganza and snuff, divers wicked and evil-disposed persons have of late carried on, and do still continue such pernicious and illegal practices, to the great diminution of the revenues, and to the manifest prejudice of the fair traders, insomuch that it is necessary some further provision should be made for effectually preventing the same;—the following Regulation has been enacted by the Right Honourable the Governor in Council, to be in force from the date of its promulgation.

Entry to be made at the cuſtom-houſe of the arrival of all veſſels, not exceeding 500 candies burthen, having tobacco, ganza or ſnuff, on board, within 24 hours.

II. When any ship, vessel, or boat, whose burthen does not exceed five hundred (500) candies, shall arrive, anchor, or come within any of the waters or ports of the Islands of Bombay, Colaba or Old Woman's Island, having any tobacco, ganza or snuff, on board, the owner, master, or other person in charge of the said ship, vessel or boat, shall, within twenty-four hours after the arrival of the said ship, vessel or boat within the said anchorage, make a report of the same to the Custom Master or Deputy Custom Master of Bombay, or the Assistant Custom Master at Mahim; and make a true entry in writing of all such tobacco, ganza and snuff, on board the said ship, vessel or boat, with the said Custom Master, his deputy or assistant; and all tobacco, ganza or snuff, found on board any such ship, vessel or boat, which shall not have been so reported and entered within twenty-four hours after such arrival, and all boxes, casks, or other packages in which the said tobacco, ganza or snuff, may be contained, together with all such ships, vessels or boats, shall be forfeited to the United Company of Merchants of England trading to the East Indies.

A cuſtom-houſe officer to proceed on board the veſſel, and to mark the bales and packages, previous to their being landed.

III. The Custom Master, his deputy or assistant, shall appoint a proper officer or officers to go on board every ship, vessel or boat in which any tobacco, ganza or snuff shall be imported, immediately after the same shall have been duly entered as aforesaid; which officer or officers shall mark, or cause to be marked, every box, case or other package of tobacco, ganza or snuff, with such mark as the Custom Master shall direct, and also with progressive numbers; and no box, case or other package of tobacco, ganza or snuff, shall be unshipped, landed or delivered from or out of any such ship, vessel or boat, before the same shall have been so marked; and when the same shall have been so marked, the importers, proprietors or consignees of such tobacco respectively, shall forthwith, in the presence of the aforesaid proper officer or officers, unship and land, or cause to be unshipped and landed, all such tobacco, ganza and snuff, and shall carry and convey the same, or cause the same to be carried and conveyed to and deposited in the Company's warehouse or warehouses, where the same shall be weighed by the proper officer of the customs, and an account taken of the same, and of the duties due thereon. And all tobacco, ganza

The tobacco, &c. to be depoſited in the company'swarehouſe and an account taken of the duties.

All tobacco landed without being marked to be forfeited.

ganza or snuff, which shall be landed without having been duly entered and marked as aforesaid, or without the presence of such officers as aforesaid, shall be forfeited.

No tobacco, &c. to be issued from the Warehouse, except for retail home consumption or re-exportation, nor until the duties are paid.

In case of the non-payment of the duties within a period of six months, so much of the tobacco, &c. to be sold as will cover the said duties.

IV. No tobacco, ganza or snuff, shall be delivered out of any of the Company's warehouses for any other purpose than home consumption by retail, or re-exportation, nor until the said duties shall be paid: and if the said duties shall not be paid within six months after the said tobacco, ganza and snuff, shall have been entered, landed and warehoused as aforesaid, the Custom Master, or his deputy, is hereby authorized and required to sell and dispose of so much of the said tobacco, ganza or snuff by public auction as may be sufficient to pay the said duties.

A permit to be obtained previous to the delivery of the tobacco.

Permit to be granted only to licensed retailers, and the quantity to be removed, limited.

V. No tobacco, ganza or snuff shall be taken from or delivered out of such warehouse or warehouses, save and except for purpose of exportation as hereinafter provided, without a permit, signed by the collector of Bombay, and countersigned by the Custom Master or his deputy, specifying the name of the wholesale importer, proprietor or consignee, the quantity of tobacco, ganza or snuff, so permitted to be taken and delivered, and the person to whom the same shall be delivered, such permit to be in force from sun-rise to sun-set of the day on which it bears date, and no longer; and no person shall be qualified to take out such permit, and to remove such tobacco, ganza or snuff from such warehouse, who is not a licensed retailer of tobacco, ganza or snuff, according to the true intent and meaning of this Regulation; and no permit shall be granted to any such retailer for removing a greater quantity of tobacco, ganza or snuff, in one day, than ten maunds of tobacco, one maund of ganza and ten pounds of snuff.

Persons selling a less quantity of tobacco, &c. than 100 maunds, to be considered retailers, and to obtain a license from the Court of Petty Sessions.

Penalty.

VI. Any person or persons who shall sell or retail by him, her or themselves, or by any other person or persons whatsoever employed by him, her or them, or for his, her or their benefit, any tobacco, ganza or snuff, publicly or privately, in any less quantity than one hundred maunds, shall be deemed a retailer of tobacco, ganza or snuff, within the meaning of this Regulation; and no such retailer shall presume to sell or retail any tobacco, ganza or snuff, from and after the first day of October in the year 1817, without first taking out a license for that purpose from the Court of Petty Sessions upon pain of forfeiting for every such offence the sum of rupees two hundred: every such license to be in force for one year, and no longer.

License when to be renewed.

VII. Every retailer who shall take out such license as aforesaid is hereby required to take out a fresh license, ten days at least before the expiration of the first, and in the same manner to renew such license from year to year, on pain of being taken, deemed and considered an unlicensed retailer.

VIII. Every retailer of tobacco, ganza or snuff, shall fix, on some conspicuous part of the front of each warehouse, storehouse, shop, go-down, or other place in which he, she or they shall retail such tobacco, ganza or snuff, a board, on which shall be painted, at full length, such retailer's name, and immediately after or below such name the words "Licensed retailer of tobacco, ganza and snuff," on pain of forfeiting his, her or their license.

A return to be previously entered of all warehouses, and the quantity of tobacco, &c. deposited therein.

IX. Every retailer of tobacco, ganza or snuff, shall, before taking out or renewing such license as aforesaid, make a true and particular return or entry in writing of all warehouses, storehouses, shops, go-downs, or other places whatsoever, by him, her or them respectively used, or intended to be used, for the laying, keeping or retailing any of the said tobacco, ganza or snuff, to the collector of Bombay, and also of all tobacco, ganza or snuff, by whatever name or names they are or may be called, which, at the time of making such respective entries shall or may be in such warehouses, storehouses, shops, go-downs and other places, and every of them respectively, upon pain of forfeiting the sum of rupees two hundred for every such warehouse, shop, go-down and other place which shall be so made use of by such retailer, and double the amount of the duty for every maund of such tobacco, ganza and snuff respectively, which shall be concealed and not entered as herein directed, together with all such tobacco, ganza and snuff, which shall be found therein, or concealed as aforesaid, and all casks, boxes and packages containing the same.

Certificate to be granted by the collector of such warehouses, &c.

X. The Collector shall grant a certificate to all persons who shall make the entry above required, specifying the number of warehouses, storehouses, shops or go-downs that have been so entered, without which certificate no license shall be granted or renewed

renewed by the Court of Petty Sessions, and every license shall specify the number of warehouses, storehouses, shops, go-downs or other places contained in the aforesaid entry and certificate.

XI. The Court of Petty Sessions is hereby authorized and required to grant and renew such license to all persons applying for the same, on their producing the certificate above required; provided always, that the persons so applying have not been convicted of any breach of this Regulation, and thereby incurred the forfeiture of such license.

The Court of Petty Sessions to grant and renew the license, provided the persons applying have not been convicted of any breach of the regulation.

XII. Every licensed retailer of tobacco, ganza or snuff, shall make a true and particular return, on the first day of every month, to the Collector, of his, her or their monthly sales in every such warehouse, storehouse, shop or go-down respectively; showing the balance of stock for the preceding month remaining unsold, the receipts and sales of the current month, and the balance remaining on hand at the date of the return, upon pain of forfeiting his or her license for the neglecting to make such return, or for making a false return; and every person making a false return shall moreover forfeit all the tobacco, ganza and snuff in every such warehouse, storehouse, shop or go-down.

A return of the sales to be made monthly by the licensed retailers.

Penalty in case of a false return.

XIII. When the stock of any retailer shall at any time appear by his monthly return, or otherwise, to exceed three times the amount of the greatest quantity of Tobacco, Ganza or Snuff, for which permit can be granted according to the provisions of this Regulation, no further issue is to be made by the Custom Master on permit to such retailer, till his stock shall have been reduced so as not to exceed double the limit of the permit.

No further issue to be made if the stock on hand exceed a limited quantity.

XIV. The collector shall appoint a proper officer or officers to inspect, examine and take an account of all such tobacco, ganza or snuff, as shall at any time be in the custody of any retailer of tobacco, ganza or snuff; and it shall be lawful for the said officer or officers, from time to time and at all times, by day to enter into all and every the said warehouses, storehouses, shops, go-downs or other places made use of by any such retailer as aforesaid, and to inspect, examine and take an account of all tobacco, ganza and snuff there being; and if any such retailer as aforesaid shall in anywise prevent the said officer or officers from entering into his her or their warehouses, stores, shops, go-downs or other places, or any of them, to inspect, examine and take such account as aforesaid, or shall hinder or obstruct the said officer or officers in the execution of such duty, the person or person so offending shall for every such offence forfeit and lose the sum of rupees four hundred.

The tobacco in the hands of the retailers to be inspected by officers to be appointed by the collector.

Forfeiture in case of hindrance or opposition to the inspectors.

XV. All tobacco, ganza and snuff, warehoused according to the provisions of this Regulation, shall be at all times open to the inspection of the importers, proprietors or consignees of such tobacco, ganza and snuff, on their making application to the Custom Master, his deputy or assistant, for liberty to inspect the same for the purpose of sale, transfer, exportation, or any other purpose not contrary to the true intent and meaning of this Regulation; and the Custom Master, his deputy and assistant, are hereby required to open the said warehouse or warehouses in which such tobacco, ganza or snuff may be lodged; and to keep the same open for a reasonable time, for such purpose as aforesaid, on every such application. Provided always, that it shall not be lawful for such importer, proprietor or consignee to remove any tobacco, ganza and snuff so warehoused, except by permit for home consumption by retail, or by certificate for exportation as hereafter provided.

The tobacco, &c. warehoused to be open to the inspection of the importer or proprietors.

But not to be removed without the permit.

XVI. A drawback will be allowed on all bonâ fide exportations of tobacco, ganza and snuff, provided always, that the same be exported to some port or place at least twenty leagues distant from any part of the Island of Bombay, such drawback to be the full amount of the import duties imposed on such tobacco, ganza and snuff respectively, save and except the duty of three and a half per centum, commonly called the import Custom-house duty.

Drawback to be allowed on exportation to Places twenty leagues distant from Bombay.

XVII. Every person desirous of exporting any tobacco, ganza or snuff, from Bombay to any such port or place as aforesaid, is hereby required to give notice of the same in writing to the Custom Master or his deputy, who, after weighing or causing to be weighed the tobacco, ganza or snuff so intended to be exported, and ascertaining the drawback thereon, shall grant a certificate to the owner or other person duly authorized to receive the same, that the said tobacco, ganza or snuff, is permitted to be exported; and shall deliver the said tobacco, ganza or snuff from the Com-

Previous notice to be given in writing of the Export.

Precautions for the delivery of the Tobacco, &c.

pany's warehouse or warehouses to such owner or other person duly authorized to receive the same, for the purpose of exportation, and upon such delivery of any such tobacco, ganza or snuff, for exportation, the same shall be forthwith carried or conveyed, by the owner or such persons as he shall appoint, attended by the proper officer or officers of the customs, on board such ship or vessel in which the same shall be intended to be exported.

Penalty if the Tobacco specified in the certificate be not exported, or be relanded, except in case of distress.

XVIII. If any tobacco, ganza, or snuff, specified in any such certificate, whereupon any drawback is to be made, shall not be really and bonâ fide shipped and exported (danger of the seas and enemies excepted), or shall be landed again, unless in case of distress to save the goods from perishing, which shall presently be made known to the Custom Master or Deputy Custom Master of the port or place where the said tobacco, ganza, or snuff shall be so relanded, then not only all such certificated tobacco, ganza, and snuff shall be forfeited, but also all the vessels, boats, horses, cattle, and carriages made use of in landing or carrying the same, and the person or persons relanding the same, or concerned therein, or to whose hands they shall knowingly come, or by whose privity they are relanded, shall forfeit treble the value of the drawback, one moiety thereof to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies, the same to be levied by distress and sale of the offender's goods or chattels, by warrant under the hands and seals of two or more of the justices of the said Court of Petty Sessions.

The forfeiture to be levied by distress, and how divided.

Tobacco, &c. where to be landed and warehoused.

XIX. And for the more effectual preventing the clandestine importation or sale of tobacco, ganza, and snuff, within the islands of Bombay, Colaba, and Old Woman's Island, it is hereby enacted, that all tobacco, ganza, and snuff imported into the Island of Bombay, shall be landed directly at the Custom-house Bunder, within the Fort of Bombay, or at the Musjed Bunder, and warehoused as already directed by this Regulation; and all tobacco, ganza, and snuff, imported or brought into the Island of Bombay by the causeway extending from Bombay to Salsette, or landed at any port or place in the Island of Bombay, save and except the aforesaid Custom-house and Musjed Bunders, or at any place whatsoever in the islands of Colaba and Old Woman's Island, shall be forfeited to the Company; provided always, that nothing herein contained shall prevent the carrying or conveying permitted tobacco, ganza, or snuff, by the ferry into Old Woman's Island, and from thence into Colaba.

Tobacco otherwise landed to be forfeited.

Exception in favour of tobacco passing the Colaba Ferry.

The custom master to issue a warrant to search the premises in which smuggled tobacco may be deposited, on receiving information on oath.

XX. And for the more effectual discovering and detecting the smuggling or clandestine importation or sale of any tobacco, ganza, or snuff, it is hereby enacted, that if any credible person shall give information on oath before the Custom Master of Bombay, or his deputy or assistant, or the collector of Bombay, that any such smuggled or clandestinely-imported tobacco, ganza, or snuff are so harboured, kept, and concealed in any ship, boat, or other vessel, or in any house, shop, cellar, warehouse, go-down, room, compound, field, garden, or any other place whatsoever, the said Custom Master, Deputy Custom Master, or Assistant Custom Master, or Collector, before whom such information on oath shall be given, is hereby authorized and required to issue his warrant, under his hand and seal, to a constable, or other public officer, commanding the said constable or other public officer to whom the said warrant shall be so directed, to enter in the day-time any such ship, boat, vessel, house, shop, cellar, warehouse, go-down, room, compound, field, garden, or place, as may be specified in the said information, or pointed out by the said informer; and in case of resistance, to break open doors, chests, and other packages, and there to search for and to seize, and from thence to bring all such smuggled or clandestinely-imported tobacco, ganza, and snuff, as shall there be found, and to secure the same in the Company's warehouse until the claimer of the same shall make proof before the said Court of Petty Sessions, or before the Custom Master, Deputy Custom Master, or Assistant Custom Master, or Collector, that the said tobacco, ganza, or snuff, have been duly entered, landed, warehoused, and delivered out of warehouse by permit or certificate according to the provisions of this Regulation, and that the duties on the said tobacco, ganza or snuff have been paid or secured, provided such proof be made within ten days, in failure whereof the said tobacco, ganza or snuff shall be forfeited, one moiety to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies: and if any person whatsoever shall be convicted, upon his, her or their appearance, or default, upon the oath or oaths of one or more credible witnesses, or by the confession of the party before the Court of Petty Sessions, of knowingly harbouring, keeping or concealing, or knowingly permitting

The tobacco, &c. so seized, to be retained until proof be afforded of their having been duly entered, and the duties paid.

Forfeiture in case of proof not being given within ten days.

Persons convicted on oath of knowingly harbouring smuggled tobacco, &c. to be fined and the articles forfeited.

or

or suffering to be harboured, kept or concealed, such smuggled tobacco, ganza or snuff, the party or parties offending therein, whether he she or they have or have not, or do or do not claim or pretend to have any property or interest in such tobacco, ganza or snuff so harboured, kept or concealed, shall for every such offence forfeit and lose all such tobacco, ganza and snuff so harboured, kept and concealed, and treble their value, one moiety thereof to the informer, and the other moiety to the United Company of Merchants of England trading to the East Indies, the same to be levied by distress and sale of the offender's goods or chattels by warrant under the hand and seal of two or more justices of the said Court of Petty Sessions.

Fine to be levied by distress, and how divided.

XXI. All tobacco ganza and snuff which shall be imported or brought into the Islands of Bombay, Colaba or Old Woman's Island, in any manner contrary to the provisions of this Regulation, and all tobacco, ganza and snuff, found in the possession of any hawker, itinerant vender, or other unlicensed retailer, for the purpose of sale, or in any of the streets, roads, lanes, bunders or other places of the said Islands, without a permit, certificate, or proper officers as already provided, shall be taken and deemed to be clandestinely imported and smuggled, and shall be forfeited to the United Company of Merchants of England trading to the East Indies, together with the packages containing the same; and such tobacco, ganza or snuff respectively, and the packages containing the same, shall and may be seized by any officer or officers of the Custom-house, or of the Collector, or of the Magistrates of Police, who is and are hereby authorized and required to secure the same in the said Company's nearest warehouse or warehouses, until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, or before the Custom Master, Deputy Custom Master, or Assistant Custom Master, or Collector, or the Magistrates of Police, that the said tobacco, ganza and snuff have been duly entered, landed, warehoused and delivered out of warehouse by permit or certificate, according to the provisions of this Regulation, and that the duties on the said tobacco, ganza or snuff have been paid or secured; provided such proof be made within ten days, in failure whereof the said tobacco, ganza or snuff shall be forfeited, one moiety to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies.

All tobacco, &c. landed or sold contrary to the Regulation to be seized and forfeited.

XXII. All forfeited tobacco, ganza and snuff shall be put up to public auction at the Custom-house, and offered to sale, and if no person shall offer or bid for the same more money than the customs and duties on the said tobacco, ganza and snuff taken together would amount to, then and in such case, it shall and may be lawful to and for the Custom Master, his assistant or deputy respectively, to cause the same respectively to be burnt or destroyed.

All forfeited tobacco, &c. to be put up to public auction, and burnt or destroyed if the price offered do not exceed the customs and duties.

XXIII. All fines, penalties and forfeitures imposed by this Regulation shall and may be sued for, recovered and enforced in the Court of Petty Sessions.

All fines, penalties, &c. to be sued for and enforced in the Court of Petty Sessions.

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